

EXHIBIT 32

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COPY

2 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3 -----X
4 KITCHEN WINNERS NY INC.,

5 PLAINTIFF,

6 -against- CIVIL Action No.:
7 22-cv-05276-PAE

8 ROCK FINTEK LLC,
9 DEFENDANT.
10 -----X

11 ROCK FINTEK LLC,

12 COUNTERCLAIM and THIRD-PARTY PLAINTIFF,
13 -against-

14 KITCHEN WINNERS NY INC.,

15 COUNTERCLAIM DEFENDANT,
16 and

17 ADORAMA INC., HERSHY WEINER, JOSEPH
18 MENDLOWITZ, JNS CAPITAL HOLDINGS LLC and
19 JOEL STERN,

20 THIRD-PARTY DEFENDANTS.
21 -----X

22 DATE: November 16, 2023

23 TIME: 2:07 p.m.

24 DEPOSITION of BRAD JAEGER

25 RAPID REPORTING LLC
26 254 South Main Street, Suite 216
27 New City, New York 10956
28 (718) 310-0704

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3 DATE: November 16, 2023
4 TIME: 2:07 p.m.
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10 VIDEOCONFERENCE DEPOSITION of BRAD
11 JAEGER, a Non-Party Witness, pursuant to a
12 subpoena, held remotely via Zoom, before
13 Phyllis F. Russek, a Shorthand Reporter and
14 Notary Public of the State of New York.
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2 A P P E A R A N C E S:

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ALSO PRESENT: LAUREN RIDDLE, ESQ.

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2 FEDERAL STIPULATIONS
3
4

5 IT IS HEREBY STIPULATED AND AGREED by
6 and between the counsel for the respective
7 parties herein that the sealing, filing,
8 and certification of the within deposition
9 be waived; that the original of the
10 deposition may be signed and sworn to by
11 the witness before anyone authorized to
12 administer an oath, with the same effect as
13 if signed before a Judge of the Court; that
14 an unsigned copy of the deposition may be
15 used with the same force and effect as if
16 singed by the witness, 30 days after
17 service of the original and 1 copy of same
18 upon counsel for the witness.

19
20 IT IS FURTHER STIPULATED AND AGREED
21 that all objections, except as to form, are
22 reserved to the time of trial.
23

24 * * * *
25

1 JAEGER

2 B R A D J A E G E R , called as a witness,
3 having been first duly sworn, by a Notary
4 Public of the State of New York, was
5 examined and testified as follows:

6 EXAMINATION BY

7 MR. SPERBER:

8 Q Please state your name for the
9 record.

10 A Brad Jaeger.

11 Q What is your current address?

12 A 3 Lakes Drive, Northfield,
13 Illinois 60093 .

14 MR. SPERBER: David, are you
15 going to ask for a read and sign?

16 MR. OGLES: Yes. I think he
17 should be able to.

18 MR. SPERBER: What address
19 should we send the transcript to?

20 MR. OGLES: You can send it to
21 me.

22 MR. SPERBER: Okay. Then work
23 address is fine as long as that's
24 understood.

25 Q Good afternoon, Mr. Jaeger. My

1 JAEGER

2 name is Alexander Sperber. I'm one of the
3 attorneys in this matter. I'm counsel for
4 the plaintiff, Kitchen Winners of New York
5 Inc., as well as the third-party
6 defendants, Adorama, Inc. and Joseph
7 Mendlowits.

8 Have you ever been deposed
9 before?

10 A I have not.

11 Q Okay. So let me just explain
12 some of the basic ground rules so we're all
13 clear.

14 We have a court reporter here
15 who's taking down everything that I say,
16 everything that you say, everything that
17 your attorney says and the other -- the
18 other attorneys here say, and so it's just
19 important that you and I do our best not to
20 speak over one another so that the court
21 reporter can get a clean transcript. Is
22 that all right?

23 A Yup.

24 Q Okay. The next -- the next
25 thing is just it's important that you make

1 JAEGER

2 your responses verbal as opposed to shaking
3 your head or nodding your head because the
4 court reporter can only write down what you
5 say and can't take down your physical
6 actions. Is that all right?

7 A Yes.

8 Q Okay. If I ask you a question
9 and you don't understand it, please let me
10 know. If you don't tell me otherwise, I
11 will assume that you understood the
12 question. Is that all right?

13 A Yes, it is.

14 Q Okay. Do you understand that
15 you are under the same oath today that you
16 would be in as if you were in a courtroom?

17 A Yes, I am.

18 Q And do you understand that the
19 testimony you give today is subject to the
20 same penalties of perjury that you would be
21 subject to as if you were in a courtroom?

22 A Yes, I am.

23 Q Are you on any medications or
24 any substances or have any conditions that
25 would prevent you from thinking clearly or

1 JAEGER

2 speaking truthfully today?

3 A I am not.

4 Q Okay. Are you familiar with a
5 company called -- called Medline
6 Industries?

7 A Yes, I am.

8 Q Are you employed by Medline
9 Industries?

10 A That is correct. Yes, I am.

11 Q Okay. And is it okay if I call
12 that company just MedLine?

13 A That works, yes.

14 Q What is your position at
15 MedLine?

16 A I am a senior manager of our
17 supply chain optimization division.

18 Q And what are your job
19 responsibilities in that position?

20 A I manage a small team that
21 oversees our third party-logistics program
22 amongst and some other final mile services
23 for our customers.

24 Q Okay. And how long have you
25 been working at MedLine?

1 JAEGER

2 A It will be 15 years this March.

3 Q Okay. So just to be clear, so
4 you were working for MedLine during the
5 COVID-19 pandemic?

6 A That is correct.

7 Q Okay. Was your job title
8 different at that point in time?

9 A I believe so. I was just a
10 manager and not a senior manager at that
11 time.

12 Q Were your job responsibilities
13 different at that point in time?

14 A Maybe slightly less
15 responsibility.

16 Q Okay. And does MedLine have
17 one location or multiple locations?

18 A MedLine has multiple locations
19 for our corporate offices, for distribution
20 centers, and for manufacturing locations.

21 Q Okay. And so in which office
22 or offices or facilities do you work?

23 A I work at our headquarters in
24 Northfield, Illinois.

25 Q I'm sorry. Could you repeat

1 JAEGER

2 that?

3 A Yes. I work at our
4 headquarters in Northfield, Illinois, the
5 address I gave earlier.

6 Q Are you familiar with a company
7 by the name of Ascension?

8 A Yes, I am.

9 Q Okay. Is Ascension a customer
10 of MedLine?

11 A Yes, they are.

12 Q Are you familiar with the
13 Resource Group?

14 A Yes, I am.

15 Q Okay. Are they also a customer
16 of MedLine?

17 A Yes, they are.

18 Q Okay. Do you know, are
19 Resource Group and Ascension, is there a
20 relationship between the two of those?

21 A My understanding, they're
22 relatively the same -- same group.

23 Q Got it. Okay. In your own
24 capacity as manager or senior manager at
25 MedLine, do you interact with either

1 JAEGER

2 Ascension or Resource Group?

3 A I occasionally will interact
4 through e-mail with Ascension.

5 Q And what kind of -- in a
6 general manner, what kind of job activities
7 do you perform in relation to either
8 Ascension or Resource Group?

9 A My team manages their
10 third-party logistics program.

11 Q Okay. And can you explain to
12 me what you mean when you say a third-party
13 logistics program?

14 A Yes. That's where we receive,
15 store, and ship our customers' own goods
16 within our existing distribution network.

17 Q Now, is your team the only team
18 that does this on behalf of Ascension
19 and/or the Resource Group or are there
20 other teams as well?

21 MR. OGLES: I object to form.

22 You may answer.

23 Do you mean are there other
24 vendors that provide that service
25 for Ascension?

1 JAEGER

2 MR. SPERBER: No.

3 Q What I'm saying is inside
4 MedLine, are there other teams that perform
5 -- that perform third-party logistics
6 management services for Ascension or
7 Resource Group?

8 A No. That would just be my
9 team.

10 Q Got it. Okay. Now, among the
11 items that MedLine is now holding or is
12 holding at some point since the COVID-19
13 pandemic, do those items include medical
14 gloves?

15 A Yes, they do.

16 Q Now, have you heard of a
17 company by the name of Rock Fintek LLC?

18 A Yes, I have.

19 Q So what is your understanding
20 of, if any, the relationship between Rock
21 Fintek LLC and either Ascension or Resource
22 Group?

23 MR. OGLES: And I'm going to
24 object to this as outside the scope
25 of the 30(b)(6) deposition. But if

1 JAEGER

2 you have personal knowledge, please
3 proceed.

4 A I only know -- I only know the
5 relationship as a vendor/customer
6 relationship between the two parties. I
7 don't have any other details really.

8 Q Do you personally know what
9 kind of goods Rock Fintek was delivering to
10 Ascension or Resource Group?

11 A Just the -- the gloves.

12 Q Okay.

13 A I don't know of anything else.

14 Q And when you say "the gloves,"
15 what are you referring to?

16 A The MedCare gloves.

17 Q Okay. Do you know the names of
18 any of Rock Fintek LLC's suppliers?

19 A The only ones I believe I've
20 heard are Adorama, JNS or LS. I can't
21 quite recall, and then Kitchen Winners are
22 the only ones that I am aware of or I've
23 heard of.

24 Q And where have you heard those
25 names?

1 JAEGER

2 MR. OGLES: Objection.

3 Attorney-client privileged,
4 attorney work product. You're
5 here. If you can answer that
6 question without respect to any
7 communications you've received from
8 attorneys, if you can. Otherwise,
9 I instruct you not to answer.

10 A I'll follow that instruction.

11 Q Just to be clear. Does that
12 mean that outside of communications with
13 attorneys you have not heard of those
14 entities?

15 MR. OGLES: You can proceed.

16 A That is correct.

17 Q Got it. Okay. Have you ever
18 spoken with anyone at Kitchen Winners New
19 York Inc.?

20 A I have not.

21 Q Have you spoken with anyone at
22 JNS?

23 A Not that I'm aware of.

24 Q Okay. And have you ever spoken
25 with anyone at Adorama Inc.?

1 JAEGER

2 A Not that I'm aware of.

3 Q Okay. Do you know if anybody
4 on your team has spoken with any of those
5 companies?

6 MR. OGLES: And, again, Mr.

7 Jaeger, same instruction with
8 respect to privilege. If you can
9 answer that without referring to
10 attorney-client communications, you
11 can answer. Otherwise I instruct
12 you not to answer.

13 A I am not aware of anybody on my
14 team.

15 Q Got it. Okay. MedLine has
16 produced a couple of spreadsheets in
17 response to our subpoena. Are you familiar
18 with those spreadsheets?

19 A I have seen a couple of the
20 documents that have been presented, yes.
21 And I am familiar with them.

22 Q I'm going to share my screen
23 with you.

24 Do you see a document in front
25 of you?

1 JAEGER

2 A I do.

3 Q Perfect. This document, I'll
4 just note for the record, was Bates stamped
5 Medline_00029. I'm going to mark this
6 document as Medline Exhibit A.

7 And I will provide a copy for
8 the court reporter following this
9 deposition.

10 (Whereupon, a spreadsheet was
11 marked as Medline Exhibit A for
12 identification, as of this date, by
13 the reporter.)

14 Q Are you familiar with this
15 particular spreadsheet?

16 A Yes. This looks to be a
17 listing of the 3PL item numbers.

18 Q Okay. Just to note. At the
19 very bottom there appear to be five sheets
20 as part of this spreadsheet. One of them
21 says summary, the next one detailed list,
22 next one is quantity or QTY by SKU;
23 following one is sheet 2; and the last one
24 is pivot table.

25 So starting on the summary

1 JAEGER

2 page, could you explain to me what I'm
3 looking at here?

4 A So under the item number column
5 are the physical SKU numbers within Medline
6 system for each one of the gloves. Count
7 of locations column is the count of
8 physical slots within Medline's QC. Pallet
9 quantity per case is the number of case,
10 cases of each SKU on each pallet. And then
11 the column B is the cases on hand, total
12 cases on hand.

13 Q Did you create this document?

14 A I cannot recall.

15 Q Okay. So just so I'm
16 understanding this, again, this is the
17 summary sheet. It looks like there are
18 four types of items listed here, and then
19 it looks like the total number of cases on
20 hand is 68,159; is that correct?

21 We lost your audio.

22 Mr. Jaeger, can you hear me?

23 Mr. Jaeger?

24 MR. OGLES: David, can you hear
25 us?

1 JAEGER

2 (Whereupon, an off-the-record
3 discussion was held.)

4 (Whereupon, the requested
5 portion was read by the reporter.)

6 A That is correct.

7 Q Okay. And I just want to see
8 if I can get some clarity here. What are
9 each of these item numbers?

10 A That -- those are the item
11 numbers within Medline's system that
12 signify each of the SKUs for each one of
13 these items; the large, medium, small, and
14 extra large.

15 Q And do you know, what are these
16 SKUs?

17 A These are gloves.

18 Q Can you tell from this what
19 kind of gloves?

20 A No.

21 Q Okay. The next column
22 references counts of locations. What is a
23 location?

24 A A location is a slot within our
25 racking within one of our warehouses.

1 JAEGER

2 Q So it's not that there are 982
3 warehouses, it is that there are 982 slots
4 within your warehouses where these items
5 are located?

6 A Correct.

7 Q Okay. Does that mean each
8 location is an individual pallet?

9 A Yes. Each -- each location is
10 where we would store a pallet of goods.

11 Q Okay. And then when the column
12 says pallet quantity, what is that a
13 reference to?

14 A I believe that is the max
15 number of cases that can fit on a pallet
16 within one of our slots.

17 Q So it's not saying how many
18 cases are actually on the pallet; it's
19 saying how many cases could fit on the
20 pallet?

21 A The max number of cases,
22 correct.

23 Q So can you -- I'm just -- I'm a
24 little confused. So three of these have a
25 pallet quantity of 98, and one of them is

1 JAEGER

2 105. Do you know the reason for that
3 difference?

4 A I don't know for sure. The
5 only reason I could think is that is a
6 small item, so there could be more that can
7 fit on a pallet.

8 Q Got it. Okay. And column D
9 says cases on hand. What is that a
10 reference to?

11 A That is the number of cases
12 that were on hand, on hand for each one of
13 those items.

14 Q And where does that number come
15 from?

16 A I believe -- I would have to
17 look into the -- to this document -- but I
18 believe it's just a function equation
19 within there.

20 Q Is it locations multiplied by
21 pallet quantity, or something else?

22 MR. OGLES: And, Counsel, it
23 may help if I can show the witness
24 the actual Excel document. Do you
25 mind if I open it up and show it to

1 JAEGER

2 him?

3 MR. SPERBER: Yeah. That's
4 fine.

5 MR. OGLES: One second.

6 A No. It's just an entry. It
7 doesn't look like there is an equation or
8 anything in there. This appears to be an
9 estimation on how long it would take to
10 check each slot of these items.

11 Q You're referring to the hours
12 at the bottom?

13 A Correct.

14 Q Do you know when the document
15 was prepared?

16 A I don't have the date offhand.

17 Q Okay. Who at Medline was
18 responsible for keeping inventory in
19 regards to Ascension and the things that
20 Ascension is storing at your warehouse?

21 A We rely on our warehouse
22 management system for keeping inventory.

23 Q How does that work?

24 MR. OGLES: Objection to form.

25 If you understand the question,

1 JAEGER

2 go ahead.

3 A At the very highest level, we
4 have a warehouse management system that
5 manages all our inventory locations and
6 levels within our DCs.

7 Q Let me see if I can give an
8 example. Let's say a truck comes in
9 bearing goods for Ascension or for Resource
10 Group. How would that be processed into
11 Medline's warehouse management system?

12 A First, a dock appointment would
13 need to be set up for the shipment. When
14 it arrives, it would need to have a third
15 party logistic field referenced on it.
16 Then our warehouse team would use that
17 third party purchase order to receive the
18 product into our warehouse management
19 system. And from there our warehouse
20 management system would provide details on
21 where to slot the product.

22 Q Does some -- is there a person
23 at Medline who would look at whatever came
24 in and would assign it an SKU?

25 A They would not assign it a SKU. .

1 JAEGER

2 They would reference the purchase order
3 that lists the SKUs that would be coming in
4 on that individual purchase order and then
5 receive against that list of predetermined
6 SKUs on that purchase order.

7 Q And is there someone who counts
8 the number of items that are being
9 delivered?

10 A Yes. Our receiving team does a
11 count of product when they come in to
12 confirm the accuracy of the purchase order.

13 Q I want to look at the next
14 sheet in this that we've labeled as Medline
15 Exhibit A called detail list. Can you
16 explain to me what we are looking at here?

17 A This looks to be some raw
18 storage location information.

19 Q So if we can just go column by
20 column. So field one, is that the -- the
21 SKU that is ascribed to the various items
22 being held by Medline?

23 A That is correct.

24 Q Okay. And what is column B?

25 A WERKS, the listing of the

1 JAEGER

2 distribution center that it's stored in.

3 Q When you say distribution
4 center, that's a warehouse physically
5 located somewhere across the country?

6 A Correct.

7 Q Okay. What is column C? I
8 believe it says location? What is that a
9 reference to?

10 A Location is the physical slots
11 within the warehouse.

12 Q And, again, that's -- basically
13 that's the location of the pallets within
14 the warehouse?

15 A Correct, within our racking in
16 the -- in the warehouse.

17 Q Column D says quantity on hand.
18 What is that?

19 MR. OGLES: Objection. I think
20 you may have misstated the column
21 there, Counsel. You said --

22 MR. SPERBER: D like dog?

23 MR. OGLES: I apologize.

24 MR. SPERBER: Yep.

25 MR. OGLES: Withdrawn.

1 JAEGER

2 A Yes, that appears to be the
3 quantity on hand for that individual slot
4 after each unit of measure.

5 Q And, again, where does this
6 quantity come from? And when I say "come
7 from," let me clarify just a little bit.
8 Meaning is this an individual that puts it
9 into the system or -- or how is this
10 arrived?

11 A So this information would come
12 from our warehouse management system. So
13 as mentioned, when we are receiving the
14 product, we are told by the system which
15 slot to put it into, and the system knows
16 how much we are putting into that slot.

17 Q Okay. Column E says good/bad
18 with a question mark. What is that a
19 reference to?

20 A I can't recall.

21 Q Okay. Column F says ITM_LEN.
22 Could you explain that one?

23 A That looks like the next three
24 columns; item length, item width, and item
25 height.

1 JAEGER

2 Q And when you say item, what is
3 the item?

4 A The individual SKU.

5 Q So if there is a pallet full of
6 cartons of gloves, you're referring to each
7 carton is the item?

8 A Correct.

9 Q Okay. And then column I is
10 cases on hand. Can you explain what that
11 column is?

12 A That looks to be the sales unit
13 of measure that is on hand for each
14 individual location.

15 Q Okay. Does every warehouse
16 used by Medline use the same warehouse
17 management system?

18 A Yes.

19 Q Going to the next sheet, it's
20 labeled quantity by SKU. Again, could you
21 explain what I'm looking at here?

22 A Yes. The row labels column is
23 the SKU. And the sum of cases on hand
24 column is just that, the sum of cases for
25 each SKU.

1 JAEGER

2 Q Okay. Now, at sheet two,
3 that's what it's labeled at the bottom.
4 Can you explain this one?

5 A Yes. It seems to be just about
6 some of the same information from the
7 detail list. Field one is SKU number.
8 Works is the location, the warehouse
9 listing. Location is the physical storage
10 location within the DC. The good/bad, I
11 can't recall what that was for. And cases
12 on hand is the sales unit measure quantity
13 that is in each one of those locations.

14 Q Okay. So it's the same
15 information, just reorganized in a
16 different way?

17 A Yes.

18 Q Okay. And then the final sheet
19 here is called pivot table. Just again if
20 you could explain what's going on here?

21 A Same thing; roll labels are the
22 SKUs. Count of location is the count of
23 the storage location. And the sum of cases
24 on hand is the quantity of sales unit
25 measure on hand, totals of.

1 JAEGER

2 Q What is a pivot table?

3 A It's a function within Excel
4 you can use to summarize and count things
5 within an extensive Excel table.

6 Q Got it. Okay. All right. I'm
7 going to show you -- I'm sorry. Go ahead.

8 MR. OGLES: Counsel, before --

9 yeah. This is -- this is Mr. Ogles
10 speaking for -- for Medline. Can I
11 have 30 seconds with my client
12 before you go off this document?

13 MR. SPERBER: Sure.

14 MR. OGLES: Thank you.

15 MR. SPERBER: Off the record?

16 MR. OGLES: Yes, please. Thank
17 you.

18 (Whereupon, a short recess was
19 taken.)

20 Q I just want to circle back on
21 some things from a few minutes ago.

22 Prior to delivering goods to a
23 Medline warehouse, does Medline do any sort
24 of inspection of the goods that are being
25 delivered?

1 JAEGER

A Only for any exterior damage of
the case. That's it.

4 Q Okay. All right. Let me show
5 you what I'm going to be marking -- marking
6 as Medline Exhibit B.

12 Q Do you see a document in front
13 of you, a new document?

14 A Yes.

15 Q This document, just for the
16 record, is Bates stamped Medline 00030.

17 Have you seen this document
18 before?

19 A Yes

20 Q Okay. Were you involved in
21 preparing this document?

22 A T was not

23 Q Okay. Could you explain to me
24 what this document is?

25 A This was a document put

1 JAEGER

2 together by a Medline employee after
3 visiting a warehouse to take a look at some
4 product.

5 Q Okay. Do you know which
6 warehouse the Medline employee visited?

7 A Yes; the Great Lake, Illinois
8 distribution center.

9 Q Okay. And just to be clear.
10 To your knowledge, this spreadsheet is
11 based solely upon items that were in the
12 Great Lake Distribution Center?

13 A Correct.

14 Q Okay. In preparing for today's
15 deposition, did you speak with the employee
16 who prepared this spreadsheet?

17 A Yes.

18 Q Okay. Could you explain to me
19 what that employee told you?

20 A Yes. The employee had gotten
21 communication from Ascension corporate
22 team, along with several e-mails from final
23 end users for Ascension, about complaints
24 about the gloves. This Great Lake
25 Distribution Center is located fairly close

1 JAEGER

2 to our corporate office where the employee
3 also works out of, so he went to the Great
4 Lake facility, had a pallet pulled down of
5 some of the gloves, and inspected a few
6 cases and put this documentation together,
7 along with these pictures.

8 Q Okay. So it's your
9 understanding that this spreadsheet is
10 based upon gloves that were contained on a
11 single pallet?

12 A It was either a single pallet
13 or a couple pallets. I don't recall to be
14 exact where it was pulled from.

15 Q Okay. What was the name of the
16 employee who prepared the spread sheet?

17 A The employee name is Adam
18 Swearingin.

19 Q Okay. Would it be fair to say
20 that -- I'm sorry. Were you saying
21 something?

22 A I was confirming that the name
23 --

24 MR. OGLES: Oh, no. You're
25 right. I'm sorry.

1 JAEGER

2 A Okay. Yeah, the way I listed
3 it is correct. I-N at the end.

4 Q Would it be fair to say that
5 the employee who looked at these gloves
6 concluded that there were differences
7 between the various gloves that he
8 inspected?

9 A Yes.

10 Q Is there any way to tell from
11 this spreadsheet which location the gloves
12 being examined were taken from?

13 A To clarify, do you mean storage
14 location?

15 Q Yes.

16 A No, it does not look to be
17 listed on this sheet.

18 Q Okay. Or pallet number or
19 anything that would be able to trace this
20 spreadsheet to a specific pallet at a -- at
21 a warehouse owned by Medline?

22 A No, there doesn't look to be
23 any identifier here.

24 Q What does AQL on a box refer
25 to?

1 JAEGER

2 A To my knowledge that is
3 acceptable quantity limit.

4 Q What does that mean?

5 A It is some quality standard
6 that I am not fully aware of. I have
7 limited knowledge.

8 Q All right. Okay. I'm going to
9 show you what I'm marking now as Medline
10 Exhibit C. Do you see this document in
11 front of you?

12 (Whereupon, a spreadsheet was
13 marked as Medline Exhibit C for
14 identification, as of this date, by
15 the reporter.)

16 A Yes.

17 MR. SPERBER: Okay. This is a
18 document that was Bates stamped
19 Medline_00031. I'll note for the
20 record on the bottom there appear
21 to be two sheets; one that was
22 labeled put-away, the other is
23 labeled current stock.

24 Q Do you see where I am?

25 A Correct.

1 JAEGER

2 Q What does put-away refer to?

3 A Put-away usually refers to when
4 product, after it has been received in at
5 the DC, it's physically put away into the
6 slots in the racking.

7 Q How is put-away different from
8 current stock?

9 A I couldn't exactly say within
10 this document what the difference really is
11 between the two.

12 Q Do you know when this document
13 was created?

14 A I don't recall the exact date
15 when it was created.

16 Q Would there be a way to tell
17 from the spreadsheet when it was created?

18 A No. No. There isn't any
19 indicator or title on the document that
20 states when it was created.

21 Q Okay. Again, as we did with
22 the prior spreadsheet, I just want to go
23 through and the record will understand what
24 each of the columns is referring to. So
25 starting -- we're on the put-away sheet.

1 JAEGER

2 Starting on column A, what is branch
3 referring to?

4 A That's the listing of each one
5 of our warehouses.

6 Q Okay. And item number,
7 column B?

8 A Yep. Item number once again is
9 the SKU for the item.

10 Q And, again, these SKUs came
11 from third party purchase orders that were
12 provided to Medline?

13 A For 3PL programs, we have to
14 create a unique SKU for each item a
15 customer plans to store in our 3PL
16 programs. Each customer gets a unique
17 prefix and then we copy typically the rest
18 of the manufacture item number.

19 Q From where?

20 A From the information the
21 customers provide up front.

22 Q Now, just looking at these item
23 numbers, do you know what they refer to,
24 meaning which specific good or -- or
25 product is being referenced?

1 JAEGER

2 A I know it's a -- it's a
3 different size item.

4 Q Can you tell from here what
5 brand?

6 A I cannot.

7 Q Okay. Column C is entitled
8 slot number. What is that?

9 A Once again, that's the physical
10 storage location within the warehouse.

11 Q Is that the same as the
12 location from the prior spreadsheet?

13 A Correct.

14 Q Okay. What is column D, which
15 is BUON_QTY?

16 A That is the base to your
17 measure quantity.

18 Q Okay. And what is that?

19 A That is how many of the item in
20 the very lowest unit of measure there are
21 within that slot.

22 Q And how about SUOM_QTY, which
23 is column E?

24 A That is the sale of unit
25 measure quantity.

JAEGER

2 Q Again, is that just a different
3 form of measuring what is on -- in that
4 location?

A Correct. So the sales unit
measure would be the case.

7 Q Do you know, are these the
8 actual number of items at that location or
9 the -- or the capacity to hold that number
10 of items at this location?

11 A This appears to be the number
12 of items in each location.

13 Q Okay. And what is column F,
14 which is DM TM start?

15 A That appears to be date and
16 time when the product was put away into the
17 slot.

18 Q Okay. So I want to understand.
19 So does Medline ever move goods around
20 between its various warehouses?

21 A Do you mean for Medline goods
22 or --

23 Q No, no. For goods that it's
24 holding for its customers.

25 A We do if it is requested by a

1 JAEGER

2 customer.

3 Q Okay. So if a good is placed
4 in a location in the Great Lake warehouse
5 and then moved to a warehouse let's say in
6 New York, would the date/time start refer
7 to the moment in time when it was placed in
8 its new location?

9 A Yes, it would.

10 Q Looking at the sheet labeled
11 current stock. Again, I just want to go
12 through this exercise. So starting in
13 column A, branch, is that the warehouse
14 where the item is located?

15 A Correct.

16 Q And then material, is that a
17 reference to the SKU?

18 A Yes, it is.

19 Q Okay. And location, and,
20 again, that's the specific location in the
21 warehouse where the item is located?

22 A Correct.

23 Q And then the BUOM_QTY and the
24 SUOM_QTY; that's the same as the prior
25 spreadsheet?

1 JAEGER

2 A Yes.

3 Q Okay. And then column F here
4 is FIFO_date. Can you explain what that
5 is?

6 A That is the FIFO date. FIFO
7 stands for first in/first out.

8 The date and time it was
9 received to the slot, as our system will
10 pick the oldest product first.

11 Q Okay. So is that the same as
12 the DT_TM_start from the --

13 A Yes.

14 Q On the SKUs, do you know, what
15 does the ABM stand for, if anything?

16 A That's just a unique prefix
17 given for the Ascension 3PL items.

18 Q All right. Got it. Okay.

19 Is there anywhere on the
20 spreadsheet where Medline is keeping track
21 of the date when it first received the
22 items in question from trucks that
23 delivered it?

24 A Not on this sheet, no.

25 Q Okay. I'm going to show you

1 JAEGER

2 what I'm marking now as Medline Exhibit D.

3 (Whereupon, a spreadsheet was
4 marked as Medline Exhibit D for
5 identification, as of this date, by
6 the reporter.)

7 Q Do you see now in front of you
8 a new spreadsheet? Is this new?

9 A Is this a new sheet or is this
10 the same sheet?

11 Q Let me just look, make sure I
12 didn't do this wrong.

13 MR. SPERBER: Off the record
14 for just a minute.

15 (Whereupon, an off-the-record
16 discussion was held.)

17 Q So you have in front of you a
18 document that's been Bates stamped
19 Medline_00032, which we are referring to
20 here as Medline Exhibit D. Do you see the
21 document in front of you?

22 A Yes.

23 Q Okay. And, again, just like
24 the previous document you looked at, it has
25 two sheets on the bottom. One says

1 JAEGER

2 put-away, one says current stock. Am I
3 correct?

4 A Correct.

5 Q Okay. And just looking
6 quickly, are the columns here the same as
7 we saw on the previous spreadsheet? I
8 don't mean the content. I mean the -- the
9 type of columns, you know, that we saw
10 previously?

11 A Yes, they appear to be.

12 Q Okay. And, again, on the
13 current stock, same thing?

14 A Yes, they appear to be.

15 Q Okay. And I'm going to show
16 you what I'm marking now as Medline
17 Exhibit E.

18 (Whereupon, a spreadsheet was
19 marked as Medline Exhibit E for
20 identification, as of this date, by
21 the reporter.)

22 Q Do you see in front of you now
23 a document which was Bates stamped
24 Medline_00033? Do you see a document in
25 front of you that has at the bottom three

1 JAEGER

2 tabs; inbound, outbound, and summary?

3 A Yes.

4 Q Okay. So once again I just want
5 to understand what I'm looking at here. So
6 starting on the sheet labeled inbound. So
7 column A is PO number. What is that a
8 reference to?

9 A That is a reference to the
10 Medline 3PL purchase order.

11 Q When you say "the Medline 3PL
12 purchase order," what is that?

13 A That is a purchase order
14 created in our system solely for the
15 purpose of documenting what's coming in on
16 each -- on a shipment from a 3PL customer
17 that in turn our warehouse uses to receive
18 product and to stock with.

19 Q Okay. And then column B,
20 material number, is that just the S-K-U,
21 SKU?

22 A That is correct.

23 Q Column C says PO-created date.
24 What is that reference to?

25 A That is the date that was

1 JAEGER

2 create -- the purchase order was created in
3 our system.

4 Q Okay. And PO month/year, LD?

5 A That is the year and month that
6 it was created.

7 Q The purchase order?

8 A Correct.

9 Q PO type, what is that?

10 A That's just a listing in our
11 system that this -- this specific purchase
12 order is a third-party logistics 3PL
13 purchase order.

14 Q As opposed to what?

15 A As opposed to a regular Medline
16 supply purchase order.

17 Q When you say Medline supply
18 purchase order, is that goods that Medline
19 itself sells?

20 A Correct.

21 Q Okay. Branch number, is that a
22 reference to the warehouse where the goods
23 are being held?

24 A Correct.

25 Q Do you know, is that branch

1 JAEGER

2 where the goods are being held at the time
3 this spreadsheet was created or at the time
4 when the purchase order was created?

5 A The branch listing on here
6 would be the branch that the purchase order
7 was created for.

8 Q Got it. I understand. States
9 and city. LI is vendor number. What is
10 that?

11 A We have to create a vendor in
12 our system to be able to create a
13 third-party purchase order. So we create
14 vendor numbers to be able to do that for
15 our third-party programs.

16 Q Do you know who this vendor
17 number refers to, 600165?

18 A Yeah. That appears to be a
19 misuse of a vendor number. The proper
20 vendor number is the 600166, Election
21 Brothers Medical Center. That is used for
22 Ascension.

23 Q So Ascension has one vendor
24 number for all of -- all of its POs?

25 A Correct.

1 JAEGER

2 Q Okay. And then we have a
3 vendor name which I think is -- you can
4 tell me if I'm wrong, but I assume it's the
5 name of the vendor? Actually, no. Can you
6 explain to me what the name vendor is?

7 A Yeah. Vendor in this situation
8 for our third-party programs is the
9 customer name listing.

10 Q Customer -- when you say "the
11 customer name listing," customer for what?

12 A The customer for the 3PL
13 program.

14 Q So just looking at column -- at
15 line 2. So this PO number -- I'm not going
16 to read the whole thing but it ends 7244 --
17 that is for Advent-- I can't pronounce this
18 -- A-D-V-E-N-T-H-E-A-L-T-H Tampa; is that
19 correct?

20 A Correct, Advent Health Tampa.

21 Q Got it.

22 Column K says order UOM code.
23 What is that?

24 A That is unit of measure listed
25 on the purchase order.

1 JAEGER

2 Q So a lot of these say CS. What
3 is CS?

4 A CS is case, unit of measure.

5 Q Okay. And the column L, base
6 UOM purchase order quantity, what is that?

7 A It appears to be the quantity
8 received, that line on that purchase order.

9 Q It's the quantity of cases if
10 the order UOM code is CS?

11 A That is correct.

12 Q When we're talking about
13 inbound, is this spreadsheet saying, for
14 example, that Advent Health is the customer
15 that delivered whatever correspondence to
16 this purchase order next to it?

17 A Inbound means inbound into our
18 distribution center and inbound into the
19 customer's 3PL program.

20 Q And the customer is the vendor.

21 A Correct.

22 Q Okay. Looking now at the sheet
23 labeled outbound, again, let's just go
24 through the columns here. So column A says
25 delivery number. What is that?

1 JAEGER

2 A That is the delivery number
3 generated within Medline's system.

4 Q That's just a number assigned
5 to any particular delivery?

6 | A Correct.

7 Q Okay. Column B is material
8 number? Is that again the SKU?

9 A Correct.

10 Q Column C is delivery created
11 date. What is that?

12 A That was the date that the
13 delivery number was generated within our
14 system.

15 Q Okay. And I assume delivery
16 month, year refers to the month and year
17 when the delivery number was created?

18 A That is correct.

19 Q Okay. And column E, branch
20 number, that's a reference to the -- to the
21 warehouse where the number was created?

22 A Where the delivery was shipping
23 out of.

24 Q Okay. And then we have state,
25 city. What -- that's the state and city

1 JAEGER

2 where the delivery is shipping out of?

3 A State and city of the
4 distribution center, correct.

5 Q Okay. Then we have to name.

6 Is that the company to which the goods are
7 being shipped?

8 A Yes, that is the shipped to
9 location name.

10 Q What is the sold to number,
11 column J?

12 A That is the number that is
13 typically in our system billed for the
14 goods.

15 Q Okay. And, again, the sold to
16 name is the company being billed for the
17 goods that are being shipped out?

18 A Correct.

19 Q Okay. How about column L,
20 primary group number?

21 A Many of our -- many customers
22 are in a group of -- are listed in a group
23 setting within -- within Medline. We list
24 out multiple locations that a single
25 customer has.

JAEGER

2 Q Okay. Anyone with the same
3 group number is part of the -- it looks
4 like here the primary group name is
5 Resource Group / Ascension. So all these
6 -- these other entities are part of the
7 same group; is that right?

8 A That is correct.

9 Q And column N, sales UOM
10 delivery quantity. What is that?

11 A Hold on one second. I've got
12 to move.

13 That appears to be the quantity
14 that was shipped on that specific delivery.

15 Q Got it. Okay. All right.

16 And then looking at the last
17 sheet here, which is labeled summary. So
18 can you explain what I'm looking at here?

19 A Yep. The top table appears to
20 be a summary from the inbound tab that we
21 reviewed broken down by month. The row of
22 labels is the month and it appears to be
23 broken out between the two vendor numbers.

24 Q Okay. And then the bottom
25 chart?

1 JAEGER

2 A The bottom chart seems to be a
3 summary of the outbound tab that we
4 reviewed.

5 Roll label is the physical
6 month and year.

7 And then it's the quantity that
8 was shipped out for the Resource Group /
9 Ascension.

10 Q Got it. So just looking at the
11 summary here, so when the inbound chart, if
12 you look at the grand total listing, so
13 grand total on the bottom right is -- looks
14 like 273,034. Do you see where I am over
15 here?

16 A Yes.

17 Q So does that mean that -- and
18 you can tell me if I'm wrong here -- but
19 does that mean that Medline received
20 273,034 cases of goods?

21 A Correct.

22 Q Okay. And then on the -- on
23 the outbound, again, grand total on the --
24 appears to be 77,820. So that means that
25 Medline shipped out, of the goods it

1 JAEGER

2 received, 77,820 cases.

3 A Correct.

4 Q Okay. And. Again, did you
5 create this spreadsheet?

6 A No. This was created by
7 another employee.

8 Q And do you know when it was
9 created?

10 A I don't know the exact date.

11 Q Do you know approximately?

12 A I don't.

13 MR. OGLES: Counsel, I will
14 represent it was created after the
15 subpoena was issued, generated from
16 Medline.

17 MR. SPERBER: Okay. Can we
18 take a two-minute break? I might
19 be done. I just want to check my
20 notes.

21 MR. OGLES: Of course. Let's
22 make it five.

23 MR. SPERBER: Sure. Sounds
24 good.

25 MR. OGLES: Thank you.

1 JAEGER

2 (Whereupon, a short recess was
3 taken.)

4 Q I just have a couple follow-up
5 questions. I'm almost done on my end.

6 Are you familiar -- when I say
7 you, you personally -- are you familiar
8 with a burn-down plan in relation to
9 medical gloves that Ascension or the
10 Resource Group was contemplating during or
11 after the COVID-19 pandemic?

12 MR. OGLES: Objection. Outside
13 the scope of the deposition. If
14 you know personally, go ahead.

15 A I am not aware.

16 Q Are you personally familiar
17 with any plans that Ascension or Resource
18 Group may have had to reduce its stock of
19 pandemic-related personal protective
20 equipment during or after the COVID-19
21 pandemic?

22 MR. OGLES: Same objection.

23 A I am not aware.

24 Q Do you know if Medline ever
25 moved medical gloves that it was storing on

1 JAEGER

2 behalf of Ascension or the Resource Group
3 between its various warehouses?

4 A Yes. I'm aware of that
5 occurring.

6 Q Okay. Are you aware that at
7 some point in time Medline performed an
8 audit of some or all of the gloves that it
9 was holding on behalf of Ascension or the
10 Resource Group?

11 A Yes, I am aware.

12 Q Were you personally involved in
13 that?

14 A Yes, I was involved.

15 Q Can you explain to me what
16 exactly was done by Medline?

17 MR. OGLES: Object to the form.
18 It's a little broad, Counsel, but,
19 to the witness, if you can answer
20 it, go ahead.

21 A Yes. It was requested by the
22 customer to do a label audit for their
23 goods at the direction of the customer at
24 our DCs that stored the products in
25 question.

JAEGER

2 Q When you say DCs, what does
3 that mean?

4 A Distribution center or
5 warehouse.

6 Q Okay. You said you were
7 involved in that. What was your role in
8 that audit?

9 A Once we received direction from
10 the customer on what they wanted checked, I
11 helped coordinate with our warehouse
12 directors on a call and then a follow-up
13 e-mail with details on how the audit should
14 be completed.

15 Q Okay. And so what did
16 Ascension specifically ask you to do?

17 A Ascension identified specific
18 labels they wanted to be identified within
19 their product. They sent us the
20 information with the labels they want
21 identified, and we completed the audit to
22 help them identify those labels.

23 Q What labels were they
24 interested in?

25 A I would have to refer to one of

1 JAEGER

2 the documents, but I believe it said
3 synthetic nitrile gloves.

4 Q How did you or other Medline
5 employees go about performing this audit?

6 A Under the direction of the
7 customer, we went to each slot that the
8 product was stored in. We removed one
9 random case. We opened the case and
10 removed one random box within that case and
11 inspected it for the label that was
12 identified by Ascension.

13 Q Did you check to see if every
14 box on that pallet was the same?

15 MR. OGLES: Object to form.

16 A No. Our instruction was to
17 check one single case and one box within
18 the case.

19 Q Do you know if every box on
20 each pallet contained the same type of
21 gloves as the one that you selected to look
22 at?

23 MR. OGLES: Object to form.

24 A I couldn't confirm.

25 Q Approximately how many

1 JAEGER

2 different Medline employees were involved
3 in conducting this audit?

4 A I couldn't confirm exactly.

5 MR. OGLES: And if you want to
6 look at a document that you have to
7 answer the question, you're welcome
8 to do it. I have one in front of
9 me.

10 THE WITNESS: Does it list the
11 employees or just the hours?

12 MR. SPERBER: If you can just
13 tell me what document you're
14 looking at.

15 MR. OGLES: If you look at
16 document 38, there's a listing of
17 a number of employees Mr. Jaeger
18 e-mailed regarding this. It's
19 probably not the total number of
20 employees, but certainly there's a
21 number of people involved.

22 A Correct. The listing on there
23 are the directors of each warehouse. They
24 would have had their inventory control
25 teams complete the audit, which of that

1 JAEGER

2 list you can make inventory control teams
3 that we had complete that.

4 Q Were these the -- the people
5 who are -- let me back up a second. I'm
6 looking at Medline document Bates stamped
7 Medline_00038, and I'm looking at an e-mail
8 on that document from you to a whole list
9 of people, and it's dated Monday,
10 November 8, 2021, at 10:22 a.m. Are we on
11 the same -- are we looking at the same
12 document?

13 A Yes, we are.

14 Q And the subject of that e-mail
15 is re network Ascension 3PL audits,
16 correct?

17 A Correct.

18 Q Okay. So where were you
19 pointing to on here when you referred to a
20 certain number of hours?

21 MR. OGLES: Document number 35.

22 MR. SPERBER: I'm sorry?

23 MR. OGLES: Yeah, I was noting
24 the witness is referring to the
25 very first page of that document,

1 JAEGER

2 and at line 35 there is a listing
3 of hours there.

4 Q Okay. And when it refers to
5 hours there, is that the number of hours
6 that Medline -- let me rephrase that.

7 Number of employee hours
8 Medline expended in conducting this audit?

9 A That is correct.

10 Q But you don't know how many
11 actual employees were involved in doing
12 this, do you?

13 A Correct. I do not know the
14 actual number.

15 Q All right. And, again, going
16 back to Medline 38. There is a listing of
17 Medline employees on the e-mail, but you
18 don't know if they're the ones that
19 personally conducted the audit or somebody
20 else at their various warehouses, correct?

21 A Correct.

22 Q In preparing for today's
23 deposition, you didn't speak with every one
24 of those employees who conducted the audit,
25 did you?

1 JAEGER

2 A I did not.

3 Q Did you speak with all the
4 employees listed on Medline 38 in preparing
5 for today's deposition?

6 A I did not.

7 Q Does Medline ordinarily conduct
8 these kinds of audits on behalf of
9 Ascension?

10 A I wouldn't say ordinarily.

11 It's when requested.

12 Q How many other audits has
13 Medline conducted on behalf of Ascension in
14 the last let's say five years?

15 MR. OGLE: Objection. Outside
16 the scope. If you know, go ahead.

17 A Maybe one or two that I can
18 recall.

19 Q So it's not the kind of thing
20 that you would ordinarily -- that you would
21 undertake in the ordinary course of
22 business unless asked specifically to do
23 so, correct?

24 MR. OGLE: Objection to form.

25 Counsel, you're referring to for

1 JAEGER

2 Ascension or generally?

3 MR. SPERBER: For Ascension

4 let's start with.

5 A Yes. It's not something that
6 we do ordinarily.

7 Q How about generally? Is it the
8 kind of thing you do generally?

9 Excuse me. Is this the kind of
10 thing you would ordinarily do in the
11 general course of your business at Medline?

12 MR. OGLES: Object to form.

13 Q Let me rephrase the question.
14 Does Medline routinely conduct audits on
15 behalf of customers unless specifically
16 asked to do so?

17 A We do not routinely. We do
18 upon request.

19 Q Got it.

20 MR. SPERBER: All right. I
21 think those are my questions. I
22 don't know if Avi or Phil has any
23 questions for you.

24 MR. FRISCH: I do not.

25 MR. RAKHUNOV: I apologize. I

1 JAEGER

2 had to step away from the video
3 screen but I will ask a few
4 questions via the audio and
5 hopefully Ms. Riddle can assist me
6 with putting a couple of documents
7 up.

8 EXAMINATION BY

9 MR. RAKHUNOV:

10 Q So you were just asked if
11 Medline routinely conducts audits for
12 customers when not asked to do so, and I
13 just want the record to be clear.
14 Medline conducts audits for its customers
15 routinely when asked to do so. Is that
16 fair?

17 A Yes. When Medline is asked to
18 complete an audit, we do so.

19 Q And you were just -- there was
20 a reference made to a document that I
21 believe was Bates labeled Medline 35.

22 MR. RAKHUNOV: Ms. Riddle,
23 would you be kind enough to screen
24 share that? And we would like to
25 mark that as an exhibit.

1 JAEGER

2 (Whereupon, a e-mail was marked
3 as Medline Exhibit F for
4 identification, as of this date, by
5 the reporter.)

6 Q And, you know, I'm only screen
7 sharing it for the purpose of confirming
8 that that's the same document that you were
9 just referring to in your testimony.

10 So is that the same document
11 you were just looking at, Mr. Jaeger?

12 A Yes.

13 Q Okay. And on the first page of
14 the document, the last in time e-mail, do
15 you see a chart there?

16 A Yes.

17 Q And does that chart reflect the
18 results of the audit that Medline conducted
19 for Ascension?

20 A Yes, it does.

21 Q Okay. And I believe you were
22 asked a question earlier as to the type of
23 labels that Ascension had asked Medline to
24 audit, and I'm not sure that I heard
25 clearly, so I apologize if I'm asking you

JAEGER

2 again, but did I -- is it correct that
3 Medline -- I'm sorry -- Ascension asked
4 Medline to count the boxes that were
5 labeled as NBR examination gloves versus
6 those that were labeled protection gloves?

7 A I would have to refer to the
8 document on the specifics of what were
9 requested for the audit.

10 Q Please feel free to do so, if
11 you don't mind.

12 (Whereupon, an off-the-record
13 discussion was held.)

14 A Looks like it says product can
15 be identified by the text synthetic nitrile
16 protection glove listed on the box unit
17 measure inside the case.

18 Q And those were the items that
19 the audit focused on, correct?

20 A Correct.

21 Q So the chart on page labeled
22 35, does that accurately and fairly
23 represent the results of the audit that
24 Medline conducted for Ascension?

25 A Yes.

JAEGER

2 Q And Medline was paid for that
3 work by Ascension, correct?

4 A That is correct.

5 Q And I believe I recall there
6 was a number of about 108 hours that
7 various Medline employees spent on this
8 audit?

9 A Yeah. I don't have the total
10 number, but yes, that sounds close.

11 MR. RAKHUNOV: Okay. If I
12 could ask Ms. Riddle to put up the
13 next exhibit on the screen.

14 Q And this is a document that I
15 will represent to you is a handful of
16 photographs that were taken by my client in
17 July of 2021 at various Medline warehouses.
18 And it's a compilation of I believe seven
19 photographs that are in a PDF document that
20 we'll mark as the next exhibit.

21 (Whereupon, photographs were
22 marked as Medline Exhibit G for
23 identification, as of this date, by
24 the reporter.)

25 MR. RAKHUNOV: Just scroll

1 JAEGER

2 through it just so Mr. Jaeger can
3 generally see the whole document,
4 and then I'll just have a couple of
5 very brief questions about it.

6 Q First of all, as you're looking
7 at these photographs, do you generally
8 recognize them to be of Medline warehouse
9 facilities based on your experience working
10 there?

11 MR. OGLES: Object to this as
12 outside the scope of the
13 deposition. But if you personally
14 know, you can answer.

15 A It's hard to -- I can't tell
16 specifically from the photos that these are
17 at Medline warehouses.

18 Q Okay. Fair enough. Do you see
19 in these photographs there are depicted
20 white sheets of paper that are placed or
21 affixed to the pallets that have numbers on
22 them and have some words like Kitchen
23 Winners or JNS? Do you see those white
24 labels?

25 A I do.

1 JAEGER

2 Q In your experience working for
3 Medline, would Medline have placed those
4 labels on the pallets after they were
5 delivered into the Medline facility?

6 MR. OGLES: Object. Outside
7 the scope of the deposition. If
8 you know personally, you can
9 answer.

10 A Medline would not add a label
11 like that to an inbound pallet.

12 MR. RAKHUNOV: I don't have any
13 other questions, Mr. Jaeger. Thank
14 you.

15 MR. SPERBER: I just want to
16 follow up on that, if I may.

17 EXAMINATION BY

18 MR. SPERBER:

19 Q Going back to Medline 35. I
20 will put it on the screen.

21 Do you see Medline 35 in front
22 of you?

23 A Yes.

24 Q And Mr. Rakhunov just asked you
25 if -- if the results listed in the

1 JAEGER

2 documents from Medline audit were accurate,
3 and you answered in the affirmative; is
4 that correct?

5 MR. OGLES: Objection. That
6 mischaracterizes his testimony; is
7 it fair and accurate that --
8 anyways, go ahead.

9 MR. SPERBER: So I don't want
10 to mischaracterize anybody's
11 testimony.

12 Q So is it your testimony that
13 the results of Medline's audit as listed in
14 this document are accurate?

15 A Correct.

16 Q What are you basing that upon?

17 A Going back to what was stated
18 earlier. The instruction from the customer
19 was to go to each slot across all DCs, pull
20 one case of the product, then from that
21 case pull one box to identify if it was
22 listed, if it had the text listed synthetic
23 nitrile protection gloves. If it did, that
24 entire slot was then put on blocked or held
25 inventory.

1 JAEGER

2 Q Again, you testified earlier
3 that you were not the one who conducted the
4 entire audit yourself, correct?

5 A Correct.

6 Q And you have not spoken with
7 every individual Medline employee who was
8 involved in conducting the audit, correct?

9 A Correct.

10 Q So how do you know that what
11 they recorded was accurate?

12 A Giving -- giving instruction to
13 the directors of each one of these
14 warehouses and then following up to make
15 sure it was completed with them reporting
16 what was put onto blocked inventory and
17 left as unrestricted inventory while also
18 providing the number of hours that were
19 completed for me to confirm that the audit
20 was completed.

21 Q Have you independently verified
22 that -- what those employees or directors
23 told you was correct?

24 A I can't independently verify
25 that.

1 JAEGER

2 Q Has Medline as its -- as an
3 organization -- undertaken to verify that
4 its own audit was correct?

5 A No. Just the audit itself was
6 correct or was completed. No secondary
7 audit was completed.

8 Q Do you know if the Medline
9 directors to whom you gave directions
10 checked the work of their employees
11 themselves?

12 A I cannot confirm.

13 MR. SPERBER: No further
14 questions.

15 (Whereupon, at 3:47 p.m., the
16 examination of this witness was
17 concluded.)

18

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D E C L A R A T I O N

I hereby certify that having been first duly sworn to testify to the truth, I gave the above testimony.

I FURTHER CERTIFY that the foregoing transcript is a true and correct transcript of the testimony given by me at the time and place specified hereinbefore.

BRAD JAEGER

Subscribed and sworn to before me
this _____ day of _____, 2023.

NOTARY PUBLIC

1 JAEGER

2 E X H I B I T S

3

4 MEDLINE EXHIBITS

5

6 EXHIBIT	EXHIBIT	PAGE
7 NUMBER	DESCRIPTION	
8 A	Spreadsheet	16
9 B	Spreadsheet / photos	29
10 C	Spreadsheet	33
11 D	Spreadsheet	40
12 E	Spreadsheet	41
13 F	E-mail	62
14 G	Photos	64

15

16

17 I N D E X

18

19 EXAMINATION BY	PAGE
20 MR. SPERBER	5
21 MR. RAKHUNOV	61
22 MR. SPERBER	66

23

24

25

C E R T I F I C A T E

STATE OF NEW YORK)

SS.:

COUNTY OF KINGS)

I, PHYLLIS F. RUSSEK, a Notary Public
for and within the State of New York, do
hereby certify:

11 That the witness whose examination is
12 hereinbefore set forth was duly sworn and
13 that such examination is a true record of
14 the testimony given by that witness.

15 I further certify that I am not
16 related to any of the parties to this
17 action by blood or by marriage and that I
18 am in no way interested in the outcome of
19 this matter.

20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 26th day of November, 2023.

Dwight J. Bush

PHYLLIS F. RUSSEK

1 Errata Sheet

2

3 NAME OF CASE: KITCHEN WINNERS NY INC. -against- ROCK FINTEK LLC

4 DATE OF DEPOSITION: 11/16/2023

5 NAME OF WITNESS: BRAD JAEGER

6 Reason Codes:

7 1. To clarify the record.
8 2. To conform to the facts.
9 3. To correct transcription errors.

10 Page ____ Line ____ Reason ____

11 From _____ to _____

12 Page ____ Line ____ Reason ____

13 From _____ to _____

14 Page ____ Line ____ Reason ____

15 From _____ to _____

16 Page ____ Line ____ Reason ____

17 From _____ to _____

18 Page ____ Line ____ Reason ____

19 From _____ to _____

20 Page ____ Line ____ Reason ____

21 From _____ to _____

22 Page ____ Line ____ Reason ____

23 From _____ to _____

24

25

74Index: 105-audits

Exhibits	6	add 66:10 address 5:11,18, 23 10:5 Adorama 6:6 13:20 14:25 Advent 45:20 46:14 Advent-- 45:17 affirmative 67:3 affixed 65:21 after 25:4 30:2 34:4 51:14 52:11, 20 66:4 afternoon 5:25 again 15:6 17:16 24:12 25:5 26:20 27:19 34:21 35:8, 10 36:9 37:2 38:11,20 40:23 41:12 42:4 46:23 47:8 48:15 50:23 51:4 58:15 63:2 68:2 against 23:5 ago 28:21 ahead 22:2 28:7 52:14 53:20 59:16 67:8 Alexander 6:2 all 6:12,22 7:6,12 22:5 28:6 29:4 33:8 39:18 44:24 49:5,15 53:8 58:15 59:3 60:20 65:6 67:19 almost 52:5 along 30:22 31:7 also 10:15 31:3 68:17 am 7:17,22 8:3,7, 10,16 10:8,14 13:22 15:13,21 33:6,24 41:2 50:14 52:15,23 53:11 among 12:10 amongst 8:22 Adam 31:17
Ex A - Medline 16:6,11 23:15	600165 44:17	an 18:2 19:8 21:6, 7,8 22:7,24 25:8 28:5 40:15 53:7 57:7 61:18,25 63:12 66:11 and/or 11:19 another 6:20 51:7 answer 11:22 14:5,9 15:9,11,12 53:19 56:7 65:14 66:9 answered 67:3 any 7:23,24 12:20 13:7,18 14:6 15:4 28:23 29:2 32:10, 23 34:18 47:5 52:17 60:22 66:12 anybody 15:3,13 anybody's 67:10 anyone 14:18,21, 25 49:2 anything 13:13 21:8 32:19 39:15 anyways 67:8 anywhere 39:19 apologize 24:23 60:25 62:25 appear 16:19 33:20 41:11,14 appears 21:8 25:2 37:11,15 44:18 46:7 49:13,19,22 50:24 appointment 22:12 approximately 51:11 55:25 AQL 32:24 around 37:19 arrived 25:10 arrives 22:14 Ascension 10:7, 9,19 11:2,4,8,18, 25 12:6,21 13:10 21:19,20 22:9 30:21,23 39:17 44:22,23 49:5 50:9 audit 53:8,22 54:8,13,21 55:5 56:3,25 58:8,19,24 61:18 62:18,24 63:9,19,23 64:8 67:2,13 68:4,8,19 audits 57:15 59:8, 12 60:14 61:11,14
Ex B - Medline 29:6,10	600166 44:20	an 18:2 19:8 21:6, 7,8 22:7,24 25:8 28:5 40:15 53:7 57:7 61:18,25 63:12 66:11 and/or 11:19 another 6:20 51:7 answer 11:22 14:5,9 15:9,11,12 53:19 56:7 65:14 66:9 answered 67:3 any 7:23,24 12:20 13:7,18 14:6 15:4 28:23 29:2 32:10, 23 34:18 47:5 52:17 60:22 66:12 anybody 15:3,13 anybody's 67:10 anyone 14:18,21, 25 49:2 anything 13:13 21:8 32:19 39:15 anyways 67:8 anywhere 39:19 apologize 24:23 60:25 62:25 appear 16:19 33:20 41:11,14 appears 21:8 25:2 37:11,15 44:18 46:7 49:13,19,22 50:24 appointment 22:12 approximately 51:11 55:25 AQL 32:24 around 37:19 arrived 25:10 arrives 22:14 Ascension 10:7, 9,19 11:2,4,8,18, 25 12:6,21 13:10 21:19,20 22:9 30:21,23 39:17 44:22,23 49:5 50:9 audit 53:8,22 54:8,13,21 55:5 56:3,25 58:8,19,24 61:18 62:18,24 63:9,19,23 64:8 67:2,13 68:4,8,19 audits 57:15 59:8, 12 60:14 61:11,14
Ex C - Medline 33:10,13	60093 5:13	an 18:2 19:8 21:6, 7,8 22:7,24 25:8 28:5 40:15 53:7 57:7 61:18,25 63:12 66:11 and/or 11:19 another 6:20 51:7 answer 11:22 14:5,9 15:9,11,12 53:19 56:7 65:14 66:9 answered 67:3 any 7:23,24 12:20 13:7,18 14:6 15:4 28:23 29:2 32:10, 23 34:18 47:5 52:17 60:22 66:12 anybody 15:3,13 anybody's 67:10 anyone 14:18,21, 25 49:2 anything 13:13 21:8 32:19 39:15 anyways 67:8 anywhere 39:19 apologize 24:23 60:25 62:25 appear 16:19 33:20 41:11,14 appears 21:8 25:2 37:11,15 44:18 46:7 49:13,19,22 50:24 appointment 22:12 approximately 51:11 55:25 AQL 32:24 around 37:19 arrived 25:10 arrives 22:14 Ascension 10:7, 9,19 11:2,4,8,18, 25 12:6,21 13:10 21:19,20 22:9 30:21,23 39:17 44:22,23 49:5 50:9 audit 53:8,22 54:8,13,21 55:5 56:3,25 58:8,19,24 61:18 62:18,24 63:9,19,23 64:8 67:2,13 68:4,8,19 audits 57:15 59:8, 12 60:14 61:11,14
Ex D - Medline 40:2,4,20	68,159 17:20	an 18:2 19:8 21:6, 7,8 22:7,24 25:8 28:5 40:15 53:7 57:7 61:18,25 63:12 66:11 and/or 11:19 another 6:20 51:7 answer 11:22 14:5,9 15:9,11,12 53:19 56:7 65:14 66:9 answered 67:3 any 7:23,24 12:20 13:7,18 14:6 15:4 28:23 29:2 32:10, 23 34:18 47:5 52:17 60:22 66:12 anybody 15:3,13 anybody's 67:10 anyone 14:18,21, 25 49:2 anything 13:13 21:8 32:19 39:15 anyways 67:8 anywhere 39:19 apologize 24:23 60:25 62:25 appear 16:19 33:20 41:11,14 appears 21:8 25:2 37:11,15 44:18 46:7 49:13,19,22 50:24 appointment 22:12 approximately 51:11 55:25 AQL 32:24 around 37:19 arrived 25:10 arrives 22:14 Ascension 10:7, 9,19 11:2,4,8,18, 25 12:6,21 13:10 21:19,20 22:9 30:21,23 39:17 44:22,23 49:5 50:9 audit 53:8,22 54:8,13,21 55:5 56:3,25 58:8,19,24 61:18 62:18,24 63:9,19,23 64:8 67:2,13 68:4,8,19 audits 57:15 59:8, 12 60:14 61:11,14
Ex E - Medline 41:17,19	7	an 18:2 19:8 21:6, 7,8 22:7,24 25:8 28:5 40:15 53:7 57:7 61:18,25 63:12 66:11 and/or 11:19 another 6:20 51:7 answer 11:22 14:5,9 15:9,11,12 53:19 56:7 65:14 66:9 answered 67:3 any 7:23,24 12:20 13:7,18 14:6 15:4 28:23 29:2 32:10, 23 34:18 47:5 52:17 60:22 66:12 anybody 15:3,13 anybody's 67:10 anyone 14:18,21, 25 49:2 anything 13:13 21:8 32:19 39:15 anyways 67:8 anywhere 39:19 apologize 24:23 60:25 62:25 appear 16:19 33:20 41:11,14 appears 21:8 25:2 37:11,15 44:18 46:7 49:13,19,22 50:24 appointment 22:12 approximately 51:11 55:25 AQL 32:24 around 37:19 arrived 25:10 arrives 22:14 Ascension 10:7, 9,19 11:2,4,8,18, 25 12:6,21 13:10 21:19,20 22:9 30:21,23 39:17 44:22,23 49:5 50:9 audit 53:8,22 54:8,13,21 55:5 56:3,25 58:8,19,24 61:18 62:18,24 63:9,19,23 64:8 67:2,13 68:4,8,19 audits 57:15 59:8, 12 60:14 61:11,14
Ex F - Medline 62:3	8	an 18:2 19:8 21:6, 7,8 22:7,24 25:8 28:5 40:15 53:7 57:7 61:18,25 63:12 66:11 and/or 11:19 another 6:20 51:7 answer 11:22 14:5,9 15:9,11,12 53:19 56:7 65:14 66:9 answered 67:3 any 7:23,24 12:20 13:7,18 14:6 15:4 28:23 29:2 32:10, 23 34:18 47:5 52:17 60:22 66:12 anybody 15:3,13 anybody's 67:10 anyone 14:18,21, 25 49:2 anything 13:13 21:8 32:19 39:15 anyways 67:8 anywhere 39:19 apologize 24:23 60:25 62:25 appear 16:19 33:20 41:11,14 appears 21:8 25:2 37:11,15 44:18 46:7 49:13,19,22 50:24 appointment 22:12 approximately 51:11 55:25 AQL 32:24 around 37:19 arrived 25:10 arrives 22:14 Ascension 10:7, 9,19 11:2,4,8,18, 25 12:6,21 13:10 21:19,20 22:9 30:21,23 39:17 44:22,23 49:5 50:9 audit 53:8,22 54:8,13,21 55:5 56:3,25 58:8,19,24 61:18 62:18,24 63:9,19,23 64:8 67:2,13 68:4,8,19 audits 57:15 59:8, 12 60:14 61:11,14
Ex G - Medline 64:22	9	an 18:2 19:8 21:6, 7,8 22:7,24 25:8 28:5 40:15 53:7 57:7 61:18,25 63:12 66:11 and/or 11:19 another 6:20 51:7 answer 11:22 14:5,9 15:9,11,12 53:19 56:7 65:14 66:9 answered 67:3 any 7:23,24 12:20 13:7,18 14:6 15:4 28:23 29:2 32:10, 23 34:18 47:5 52:17 60:22 66:12 anybody 15:3,13 anybody's 67:10 anyone 14:18,21, 25 49:2 anything 13:13 21:8 32:19 39:15 anyways 67:8 anywhere 39:19 apologize 24:23 60:25 62:25 appear 16:19 33:20 41:11,14 appears 21:8 25:2 37:11,15 44:18 46:7 49:13,19,22 50:24 appointment 22:12 approximately 51:11 55:25 AQL 32:24 around 37:19 arrived 25:10 arrives 22:14 Ascension 10:7, 9,19 11:2,4,8,18, 25 12:6,21 13:10 21:19,20 22:9 30:21,23 39:17 44:22,23 49:5 50:9 audit 53:8,22 54:8,13,21 55:5 56:3,25 58:8,19,24 61:18 62:18,24 63:9,19,23 64:8 67:2,13 68:4,8,19 audits 57:15 59:8, 12 60:14 61:11,14
1		
105 20:2	98 19:25	
108 64:6	982 19:2,3	
10:22 57:10	A	
15 9:2		
2 16:23 45:15	A-D-V-E-N-T-H-E-A-L-T-H 45:18	
2021 57:10 64:17	a.m. 57:10	
273,034 50:14,20	able 5:17 32:19	
3 5:12	ABM 39:15	
30 28:11	acceptable 33:3	
30(b)(6) 12:25	accuracy 23:12	
35 57:21 58:2 61:21 63:22 66:19, 21	accurate 67:2,7, 14 68:11	
38 56:16 58:16 59:4	accurately 63:22	
3PL 16:17 35:13, 15 39:17 42:10,11, 16 43:12 45:12 46:19 57:15	across 24:5 67:19	
	actions 7:6	
	activities 11:6	
	actual 20:24 37:8 58:11,14	
	actually 19:18 45:5	
	ad 29:8	
	Adam 31:17	

75Index: Avi-course

Avi 60:22	21:12 27:3 33:20 40:25 41:25 49:24 50:2,13	can't 7:5 13:20 25:20 27:11 45:17 65:15 68:24	17,20 25:17,21 26:9,11,22,24 35:2,7 36:7,14,23 37:13 38:13 39:3 42:7,19,23 45:14, 22 46:5,24 47:7, 10,19 48:11,19 49:9	55:20
aware 13:22 14:23 15:2,13 33:6 52:15,23 53:4,6,11	box 32:24 55:10, 14,17,19 63:16 67:21	cannot 17:14 36:6	capacity 10:24 37:9	containing 29:8
away 34:5 37:16 61:2	boxes 63:4	carton 26:7	cartons 26:6	contemplating 52:10
B	Brad 5:10	case 17:9 29:3 37:6 46:4 55:9,10, 17,18 63:17 67:20, 21	columns 25:24 34:24 41:6,9 46:24	content 41:8
back 28:20 57:5 58:16 66:19 67:17	branch 35:2 38:13 43:21,25 44:5,6 47:19	carton 26:7	come 20:14 23:11 25:6,11	control 56:24 57:2
base 36:16 46:5	brand 36:5	cases 17:10,11, 12,19 19:15,18,19, 21 20:9,11 26:10, 23,24 27:11,23 31:6 46:9 50:20 51:2	comes 22:8	coordinate 54:11
based 30:11 31:10 65:9	break 51:18	center 24:2,4 30:8,12,25 44:21 46:18 48:4 54:4	coming 23:3 42:15	copy 16:7 35:17
basic 6:12	brief 65:5	centers 9:20	communication 30:21	corporate 9:19 30:21 31:2
basically 24:12	broad 53:18	certain 57:20	communications 14:7,12 15:10	correct 8:10 9:6 14:16 17:20 18:6 19:6,22 21:13 23:23 24:6,15 26:8 30:13 32:3 33:25 36:13 37:5 38:15, 22 41:3,4 42:22 43:8,20,24 44:25 45:19,20 46:11,21 47:6,9,18 48:4,18 49:8 50:21 51:3 56:22 57:16,17 58:9,13,20,21 59:23 63:2,19,20 64:3,4 67:4,15 68:4,5,8,9,23
basing 67:16	broken 49:21,23	certainly 56:20	companies 15:5	
Bates 16:4 29:16 33:18 40:18 41:23 57:6 61:21	Brothers 44:21	chain 8:17	company 8:5,12 10:6 12:17 48:6,16	
bearing 22:9	BUOM_QTY 38:23	chart 49:25 50:2, 11 62:15,17 63:21	compilation 64:18	
because 7:3	BUON_QTY 36:15	check 21:10 51:19 55:13,17	complaints 30:23	
been 5:3 6:8 8:25 15:20 34:4 40:18	business 59:22 60:11	checked 54:10	complete 56:25 57:3 61:18	
before 6:9 28:8,12 29:18	but 12:25 20:17 45:4,16 50:18 53:18 55:2 56:20 58:10,17 61:3 63:2 64:10 65:13	circle 28:20	completed 54:14, 21 68:15,19,20	
behalf 11:18 53:2, 9 59:8,13 60:15		city 44:9 47:25 48:3	concluded 32:6	
being 23:8,22 28:24 32:12 35:25 43:23 44:2 48:7, 16,17		clarify 25:7 32:13	conditions 7:24	
believe 9:9 13:19 19:14 20:16,18 24:8 55:2 61:21 62:21 64:5,18		clarity 18:8	conduct 59:7 60:14	
best 6:19	came 22:23 35:10	clean 6:21	conducted 58:19, 24 59:13 62:18 63:24 68:3	
between 10:20 12:20 13:6 32:7 34:11 37:20 49:23 53:3	can 5:20 6:21 7:4 11:11 14:5,8,15 15:8,11 17:22,24 18:8,18 19:15,23 20:6,23 22:7	clear 6:13 9:3 14:11 30:9 61:13	conducting 56:3 58:8 68:8	
billed 48:13,16	23:15,19 26:10 27:4 28:4,10 36:4 39:4 45:3,5 49:18 50:18 51:17 53:15, 19 56:12 57:2	clearly 7:25 62:25	conducts 61:11, 14	
bit 25:7	59:17 61:5 63:14	client 28:11 64:16	confirm 23:12 55:24 56:4 68:19	
blocked 67:24 68:16	65:2,14 66:8	close 30:25 64:10	confirming 31:22 62:7	
bottom 16:19		code 45:22 46:10	confused 19:24	
		column 17:4,7,11 18:21 19:11 20:8 23:19,20,24 24:7,	contained 31:10	

76Index: court-FIFO_DATE

court 6:14,20 7:4 16:8	delivering 13:9 28:22	67:14	35:4,14,16 37:12 42:16 55:7,20 56:23 67:19 68:13	examined 5:5 32:12
courtroom 7:16, 21	delivery 46:25 47:2,5,10,13,15, 17,22 48:2 49:10, 14	documentation 31:6	earlier 10:5 62:22 67:18 68:2	example 22:8 46:14
COVID-19 9:5 12:12 52:11,20	depicted 65:19	documenting 42:15	either 10:25 11:7 12:21 31:12	Excel 20:24 28:3, 5
create 17:13 35:14 43:2 44:11, 12,13 51:5	deposed 6:8	documents 15:20 55:2 61:6 67:2	Election 44:20	Excuse 60:9
created 34:13,15, 17,20 42:14 43:2,6 44:3,4,7 47:10,17, 21 51:6,9,14	deposition 12:25 16:9 30:15 52:13 58:23 59:5 65:13 66:7	does 9:16 11:18 14:11 19:7 20:14 21:23 22:22 23:10 25:5 26:15 28:23 32:16,24 33:4 34:2 37:19 39:15 50:17, 19 54:2 56:10 59:7	else 13:13 20:21 58:20	exercise 38:12
CS 46:2,3,4,10	detail 23:15 27:7	60:14 62:17,20 63:22	employed 8:8	exhibit 16:6,11 23:15 29:6,10 33:10,13 40:2,4,20 41:17,19 61:25 62:3 64:13,20,22
current 5:11 33:23 34:8 38:11 41:2,13	detailed 16:21	employee 30:2,6, 15,19,20 31:2,16, 17 32:5 51:7 58:7 68:7	existing 11:16	
customer 10:9,15 35:15,16 38:2 42:16 45:9,10,11, 12 46:14,20 48:25 53:22,23 54:10 55:7 67:18	details 13:7 22:20 54:13	employees 55:5 56:2,11,17,20 58:11,17,24 59:4 64:7 68:22	expended 58:8	
customer's 46:19	didn't 40:12 58:23	dog 24:22	experience 65:9 66:2	
customers 8:23 35:21 37:24 48:21 60:15 61:12,14	difference 20:3 34:10	doing 58:11	explain 6:11 11:11 17:2 23:16 25:22 26:10,21 27:4,20 29:23	
customers' 11:15	differences 32:6	don't 7:9,10 13:7, 13 20:4 21:16 31:13 34:14 41:8 51:10,12 58:10,18 60:22 63:11 64:9 66:12 67:9	ends 45:16	30:18 39:4 45:6 49:18 53:15
<hr/>				
D	direction 53:23 54:9 55:6	done 51:19 52:5 53:16	entire 67:24 68:4	extensive 28:5
damage 29:2	directors 54:12 56:23 68:13,22	down 6:15 7:4,5 31:4 49:21	entities 14:14 49:6	exterior 29:2
date 16:12 21:16 29:11 33:14 34:14 37:15 39:6,8,21 40:5 41:20 42:23, 25 47:11,12 51:10 62:4 64:23	discussion 18:3 40:16 63:13	Drive 5:12	extra 18:14	
date/time 38:6	distribution 9:19 11:16 24:2,3 30:8, 12,25 46:18 48:4 54:4	DT_TM_START 39:12	<hr/>	
dated 57:9	division 8:17	duly 5:3	entry 21:6	F
David 5:14 17:24	DM_TM_START 37:14	during 9:4 52:10, 20	equation 20:18 21:7	facilities 9:22
DC 27:10 34:5	dock 22:12	<hr/>		
DCS 22:6 53:24 54:2 67:19	document 15:24 16:3,6 17:13 20:17,24 21:14 28:12 29:7,12,13, 15,17,21,24,25 33:10,18 34:10,12, 19 40:18,21,24 41:23,24 56:6,13, 16 57:6,8,12,21,25 61:20 62:8,10,14 63:8 64:14,19 65:3	e-mail 11:4 54:13 57:7,14 58:17 62:2,14	equipment 52:20	facility 31:4 66:5
defendants 6:6	e-mailed 56:18	every 26:15 55:13,19 58:23 68:7	estimation 21:9	fair 31:19 32:4 61:16 65:18 67:7
delivered 23:9 28:25 39:23 46:15 66:5	e-mails 30:22	everything 6:15, 16	ever 6:8 14:17,24 37:19 52:24	fairly 30:25 63:22
	each 17:6,10 18:9, 12 19:7,9 20:12 21:10 25:4 26:6, 13,25 27:13 34:24	exact 31:14 34:14 51:10	every 26:15 55:13,19 58:23 68:7	familiar 8:4 10:6, 12 15:17,21 16:14 52:6,7,16
		exactly 34:9 53:16 56:4	feel 63:10	
		examination 5:6 61:8 63:5 66:17	few 28:21 31:5 61:3	
			field 22:15 23:20 27:7	
			FIFO 39:6	
			FIFO_DATE 39:4	

77Index: final-its

final 8:22 27:18 30:22	G	gotten 30:20 grand 50:12,13,23 Great 30:7,12,24 31:3 38:4 general 11:6 60:11 generally 60:2,7, 8 65:3,7 generated 47:3, 13 51:15 get 6:21 18:8 gets 35:16 give 7:19 22:7 given 39:17 giving 68:12 glove 63:16 gloves 12:14 13:11,14,16 17:6 18:17,19 26:6 30:24 31:5,10 32:5,7,11 52:9,25 53:8 55:3,21 63:5, 6 67:23 go 22:2 23:19 28:7,12 34:22 38:11 46:23 52:14 53:20 55:5 59:16 67:8,19 going 5:15 12:23 15:22 16:5 26:19 27:20 28:7 29:5 33:8 39:25 41:15 45:15 58:15 66:19 67:17 good 5:25 35:24 38:3 51:24 good/bad 25:17 27:10 goods 11:15 13:9 19:10 22:9 28:22, 24 37:19,21,23 43:18,22 44:2 48:6,14,17 50:20, 25 53:23 got 10:23 12:10 14:17 15:15 20:8 28:6 39:18 44:8 45:21 49:11,15 50:10 60:19	57:19 highest 22:3 him 21:2 his 67:6 hold 37:9 49:11 holding 12:11,12 37:24 53:9 hopefully 61:5 hours 21:11 56:11 57:20 58:3,5,7 64:6 68:18 H	68:21,24 indicator 34:19 individual 19:8 23:4 25:3,8 26:4, 14 68:7 Industries 8:6,9 information 23:18 25:11 27:6, 15 35:20 54:20 inside 12:3 63:17 inspected 31:5 32:8 55:11 inspection 28:24 instruct 14:9 15:11 instruction 14:10 15:7 55:16 67:18 68:12 interact 10:25 11:3 interested 54:24 into 20:17 22:10, 18 25:9,15,16 34:5 37:16 46:17,18 66:5 inventory 21:18, 22 22:5 56:24 57:2 67:25 68:16,17 involved 29:20 53:12,14 54:7 56:2,21 58:11 68:8 isn't 34:18 issued 51:15 item 16:17 17:4 18:9,10 20:6 25:24 26:2,3,7 35:6,8,9, 14,18,22 36:3,19 38:14,21 items 12:11,13 17:18 18:13 19:4 20:13 21:10 23:8, 21 30:11 37:8,10, 12 39:17,22 63:18 ITM_LEN 25:21 its 37:20,24 38:8 44:24 52:18 53:3 61:14
---------------------------	----------	--	--	---

78Index: itself-Medline

itself 43:19	kind 11:5,6 13:9 18:19 59:19 60:8,9 61:23	46:23 51:21 59:14 60:4	long 5:23 8:24 21:9	mark 16:5 25:18 61:25 64:20
J	kinds 59:8	level 22:3	look 20:17 21:7 22:23 23:13 30:3 32:16,22 40:11 50:12 55:21 56:6, 15	marked 16:11 29:9 33:13 40:4 41:19 62:2 64:22
Jaeger 5:1,10,25 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1,7 16:1 17:1,22,23 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1,17 57:1 58:1 59:1 60:1 61:1 62:1,11 63:1 64:1 65:1,2 66:1,13 67:1 68:1	Kitchen 6:4 13:21 14:18 65:22	LI 44:9	looked 32:5 40:24	marking 29:5 33:9 40:2 41:16
JNS 13:20 14:22 65:23	know 7:10 10:18 13:4,8,13,17 15:3 18:15 20:2,4 21:14 30:5 34:12 35:23 36:2 37:7 39:14 41:9 43:25 44:16 51:8,10,11 52:14, 24 55:19 58:10,13, 18 59:16 60:22 62:6 65:14 66:8 68:10	like 17:17,19 21:7 24:22 25:23 40:23 49:4 50:14 61:24 63:14 65:22 66:11	looking 17:3 23:16 26:21 35:22 38:10 41:5 42:5 45:14 46:22 49:16, 18 50:10 56:14 57:6,7,11 62:11 65:6	material 38:16 42:20 47:7
job 8:18 9:7,12 11:6	knowledge 13:2 30:10 33:2,7	limit 33:3	list 16:21 23:5,15 27:7 48:23 56:10 57:2,8	matter 6:3
Joseph 6:6	knows 25:15	limited 33:7	looks 16:16 17:17,19 23:17 25:23 26:12 49:3 50:13 63:14	max 19:14,21
July 64:17	L	listing 16:17 23:25 27:9 35:4 43:10 44:5 45:9,11 50:12 56:16,22 58:2,16	lost 17:21	may 11:22 20:23 24:20 52:18 66:16
just 6:11,18,25, 8:12 9:3,9 12:8 13:11 14:11 16:4, 18 17:15 18:7 19:23 20:18 21:6 23:19 25:7 26:24 27:5,15,19 28:20 29:15 30:9 34:22 35:22 37:2 38:11 39:16 40:11,14,23 41:5 42:4,20 43:10 45:14 46:23 47:4 50:10 51:19 52:4 56:11,12 61:10,13, 19 62:9,11 64:25 65:2,4 66:15,24	label 50:5 53:22 55:11 66:10	LLC 12:17,21	lot 46:2	Maybe 9:14 59:17
K	labeled 23:14 26:20 27:3 33:22, 23 38:10 42:6 46:23 49:17 61:21 63:5,6,21	lists 23:3	lowest 36:20	me 5:21 6:11 7:9, 10 11:12 17:2,22 22:7 23:16 25:7 29:4,23 30:18 40:11 45:4,6 50:18 53:15 56:9,13 57:5 58:6 60:9,13 61:5 68:19
keeping 21:18,22 39:20	labels 26:22 27:21 49:22 54:18,20,22, 23 62:23 65:24 66:4	LLC's 13:18	LS 13:20	mean 11:12,23 14:12 19:7 32:13 33:4 37:21 41:8 50:17,19 54:3
	Lake 30:7,12,24 31:4 38:4	located 19:5 24:5 30:25 38:14,21	M	meaning 25:8 35:24
	Lakes 5:12	location 9:17 18:23,24 19:8,9 23:18 24:8,10,13 26:14 27:8,9,10, 22,23 32:11,14 36:10,12 37:4,8, 10,12 38:4,8,19,20 48:9	made 61:20	means 46:17 50:24
	large 18:13,14	manager 8:16 9:10 10:24	make 6:25 40:11 51:22 57:2 68:14	measure 25:4 26:13 27:12,25 36:17,20,25 37:6 45:24 46:4 63:17
	last 16:23 49:16 59:14 62:14	manages 11:9 22:5	manage 8:20	measuring 37:3
	LD 43:4	manner 11:6	management 13:16	Medcare 13:16
	left 68:17	manufacture 35:18	medical 12:13 44:21 52:9,25	medical 12:13
	length 25:24	manufacturing 9:20	medications 7:23	medium 18:13
	less 9:14	many 19:17,19 36:19 48:21 55:25 58:10 59:12	Medline 8:5,8,12, 15,25 9:4,16,18 10:10,16,25 12:4, 11 15:15 16:6,11 17:5 21:17 22:23 23:14,22 26:16 28:10,23 29:6,9 30:2,6 32:21 33:9,	Medline 8:5,8,12, 15,25 9:4,16,18 10:10,16,25 12:4, 11 15:15 16:6,11 17:5 21:17 22:23 23:14,22 26:16 28:10,23 29:6,9 30:2,6 32:21 33:9,
	let 6:11 7:9 22:7 25:7 29:4 40:11 57:5 58:6 60:13	logistic 22:15	March 9:2	
	let's 22:8 38:5	logistics 11:10,13 12:5 43:12		

79Index: Medline's-order

13 35:12 37:19,21 39:20 40:2,4,20 41:16,19 42:10,11 43:15,17,18 48:23 50:19,25 51:16 52:24 53:7,16 55:4 56:2 57:6 58:6,8, 16,17 59:4,7,13 60:11,14 61:11,14, 17,21 62:3,18,23 63:3,4,24 64:2,7, 17,22 65:8,17 66:3,5,10,19,21 67:2 68:7	month/year 43:4 more 20:6 move 37:19 49:12 moved 38:5 52:25 Mr 5:7,14,16,18, 20,22,25 11:21 12:2,23 14:2,15 15:6 17:22,23,24 20:22 21:3,5,24 24:19,22,23,24,25 28:8,9,13,14,15,16 31:24 33:17 40:13 51:13,17,21,23,25 52:12,22 53:17 55:15,23 56:5,12, 15,17 57:21,22,23 59:15,24 60:3,12, 20,24,25 61:9,22 62:11 64:11,25 65:2,11 66:6,12, 13,15,18,24 67:5,9	nitrile 55:3 63:15 67:23 no 12:2,8 18:20 21:6 31:24 32:16, 22 34:18 37:23 39:24 45:5 51:6 55:16 nodding 7:3 Northfield 5:12 9:24 10:4 not 6:10,19 8:3 9:10 14:9,13,20,23 15:2,12,13 19:2,17 22:25 29:22 32:16 33:6 39:24 45:15 52:15,23 56:19 58:13 59:2,6,19 60:5,17,24 61:12 62:24 66:10 68:3,6	23 60:12 65:11 66:6 objection 14:2 21:24 24:19 52:12, 22 59:15,24 67:5 occasionally 11:3 nodding 7:3 Northfield 5:12 9:24 10:4 not 6:10,19 8:3 9:10 14:9,13,20,23 15:2,12,13 19:2,17 22:25 29:22 32:16 33:6 39:24 45:15 52:15,23 56:19 58:13 59:2,6,19 60:5,17,24 61:12 62:24 66:10 68:3,6	oldest 39:10 on 7:23 11:18 15:4,13 16:25 17:10,11,12,19 19:15,18,19 20:7, 9,12 21:9,21 22:15,20 23:4,6 24:17 25:3 26:10, 13,23 27:12,20,24, 25 28:20 31:10 32:17,24 33:20 off-the-record 18:2 40:15 63:12 offhand 21:16 office 9:21 31:2 offices 9:19,22 Ogles 5:16,20 11:21 12:23 14:2, 15 15:6 17:24 20:22 21:5,24 24:19,23,25 28:8, 9,14,16 31:24 51:13,21,25 52:12, 22 53:17 55:15,23 56:5,15 57:21,23 59:15,24 60:12 65:11 66:6 67:5 Notary 5:3 note 16:4,18 33:19 notes 51:20 noting 57:23 November 57:10 now 11:17 12:10, 11,16 27:2 33:9 35:22 40:2,7 41:16,22 46:22 number 17:4,9,19 19:15,21 20:11,14 23:8 27:7 32:18 35:6,8,18 36:8 37:8,9,11 42:7,20 43:21 44:9,17,19, 20,24 45:15 46:25 47:2,4,8,13,17,20, 21 48:10,12,20 49:3 56:17,19,21 57:20,21 58:5,7,14 64:6,10 68:18 numbers 16:17 17:5 18:9,11 35:23 44:14 49:23 65:21
N	name 5:8 6:2 10:7 12:17 31:15,17,22 45:3,5,6,9,11 48:5, 9,16 49:4 names 13:17,25 NBR 63:5 need 22:13,14 network 11:16 57:15 new 5:4 6:4 14:18 29:13 38:6,8 40:8, 9 next 6:24 16:21,22 18:21 23:13 25:23 26:19 46:16 64:13, 20	number 17:4,9,19 19:15,21 20:11,14 23:8 27:7 32:18 35:6,8,18 36:8 37:8,9,11 42:7,20 43:21 44:9,17,19, 20,24 45:15 46:25 47:2,4,8,13,17,20, 21 48:10,12,20 49:3 56:17,19,21 57:20,21 58:5,7,14 64:6,10 68:18 numbers 16:17 17:5 18:9,11 35:23 44:14 49:23 65:21	O	oath 7:15 object 11:21 12:24 53:17 55:15,

80Index: orders-reduce

44:4,6,13 45:22,25	pandemic 9:5 12:13 52:11,21	placed 38:3,7 65:20 66:3	35:25 37:16 39:10 42:18 54:19 55:8 63:14 67:20	20:21 24:17 25:3,6
orders 35:11	pandemic-related 52:19	plaintiff 6:4	products 53:24	26:20 27:12,24
ordinarily 59:7, 10,20 60:6,10	paper 65:20	plan 52:8	program 8:21 11:10,13 45:13 46:19	33:3 36:17,25
ordinary 59:21	part 16:20 49:3,6	plans 35:15 52:17	46:6,7,9 49:10,13 50:7	46:6,7,9 49:10,13 50:7
other 6:17,18 8:22 11:20,23 12:4 13:7 33:22 49:6 55:4 59:12 66:13	particular 16:15 47:5	please 5:8 7:9 13:2 28:16 63:10	programs 35:13, 16 44:15 45:8	question 7:8,12 14:6 21:25 25:18 39:22 53:25 56:7 60:13 62:22
otherwise 7:10 14:8 15:11	parties 13:6	PO 42:7 43:4,9 45:15	pronounce 45:17	questions 52:5 60:21,23 61:4 65:5 66:13
our 6:19 8:16,21, 23 9:19,23 10:3 11:15,16 15:17 18:24,25 19:16 21:21 22:5,6,16, 18,19 23:10 24:15 25:12 31:2 35:5,15 39:9 42:14,17 43:3,10 44:12,15 45:8 46:17 47:13 48:13,21 53:24 54:11 55:16	party-logistics 8:21	PO-CREATED 42:23	proper 44:19	quickly 41:6
out 31:3 39:7 47:23 48:2,17,24 49:23 50:8,25	PDF 64:19	point 9:8,13 12:12 53:7	protection 63:6, 16 67:23	quite 13:21
outbound 42:2 46:23 50:3,23	penalties 7:20	pointing 57:19	protective 52:19	
outside 12:24 14:12 52:12 59:15 65:12 66:6	people 56:21 57:4,9	portion 18:5	provide 11:24 16:7 22:20 35:21	R
over 6:20 50:14	per 17:9	POS 44:24	provided 35:12	racking 18:25 24:15 34:6
oversees 8:21	Perfect 16:3	position 8:14,19	providing 68:18	Rakhunov 60:25 61:9,22 64:11,25 66:12,24
own 10:23 11:15	perform 11:7 12:4,5	predetermined 23:5	Public 5:4	random 55:9,10
owned 32:21	performed 53:7	prefix 35:17 39:16	pull 67:19,21	raw 23:17
P	performing 55:5	prepared 21:15 30:16 31:16	pulled 31:4,14	re 57:15
page 17:2 57:25 62:13 63:21	perjury 7:20	preparing 29:21 30:14 58:22 59:4	purchase 22:17 23:2,4,6,12 35:11 42:10,12,13 43:2, 7,11,13,16,18 44:4,6,13 45:25 46:6,8,16	read 5:15 18:5 45:16
paid 64:2	person 22:22	presented 15:20	purpose 42:15 62:7	really 13:7 34:10
pallet 17:8,10 19:8,10,12,15,18, 20,25 20:7,21 26:5 31:4,11,12 32:18, 20 55:14,20 66:11	personal 13:2 52:19	prevent 7:25	recall 13:21 17:14 25:20 27:11 31:13 34:14 59:18 64:5	reason 20:2,5
pallets 24:13 31:13 65:21 66:4	photographs 29:9 64:16,19,21 65:7,19	previous 40:24 41:7	put 25:15 29:25 31:6 34:5 37:16 64:12 66:20 67:24 68:16	receive 11:14 22:17 23:5 42:17
	photos 65:16	previously 41:10	put-away 33:22 34:2,3,7,25 41:2	received 14:7 34:4 39:9,21 46:8 50:19 51:2 54:9
	physical 7:5 17:5, 8 24:10 27:9 36:9 50:5	primary 48:20 49:4	puts 25:8	receiving 23:10 25:13
	physically 24:4 34:5	prior 28:22 34:22 36:12 38:24	putting 25:16 61:6	recess 28:18 52:2
	pick 39:10	privilege 15:8		recognize 65:8
	pictures 31:7	privileged 14:3		record 5:9 16:4 28:15 29:16 33:20 34:23 40:13 61:13
	pivot 16:24 27:19 28:2	probably 56:19		recorded 68:11
		proceed 13:3 14:15		reduce 52:18
		processed 22:10		
		produced 15:16		
		product 14:4 22:18,21 23:11 25:14 30:4 34:4		
		QC 17:8		
		QTY 16:22		
		quality 33:5		
		quantity 16:22 17:9 19:12,25		

81Index: refer-spread

refer 32:24 34:2 35:23 38:6 54:25 63:7	19 11:2,8,19 12:7, 21 13:10 22:9 49:5 50:8 52:10,17 53:2,10	52:22 55:14,20 57:11 62:8,10	setting 48:23 seven 64:18 several 30:22 shaking 7:2 share 15:22 61:24 sharing 62:7 sheet 16:23 17:17 23:14 26:19 27:2, 18 31:16 32:17 34:25 38:10 39:24 40:9,10 42:6 46:22 49:17	36:8,21 37:17 39:9 55:7 67:19,24
reference 19:13 20:10 23:2 24:9 25:19 38:17 42:8, 9,24 43:22 47:20 61:20	respect 14:6 15:8	saw 41:7,9 say 6:15,16,18 7:5 11:12 13:14 22:8 24:3 25:6 26:2 31:19 32:4 34:9 38:5 42:11 43:17	slots 17:8 19:3,16 24:10 34:6	
referenced 22:15 35:25	responses 7:2	45:10 46:2 52:6 54:2 59:10,14	small 8:20 18:13 20:6	
references 18:22	responsibilities 8:19 9:12	saying 12:3 19:17,19 31:20 46:13	sold 48:10,15	
referred 57:19	responsible 21:18	says 6:17 16:21 19:12 20:9 24:8,17 25:17,21 40:25	solely 30:11 42:14	
referring 13:15 15:9 21:11 26:6 34:24 35:3 40:19 57:24 59:25 62:9	rest 35:17	41:2 42:23 45:22 46:24 63:14	some 6:12 8:22 12:12 18:8 22:22 23:17 27:6 28:21 30:3 31:5 33:5 53:7,8 65:22	
refers 34:3 44:17 47:16 58:4	results 62:18 63:23 66:25 67:13	scope 12:24 52:13 59:16 65:12 66:7	somebody 58:19	
reflect 62:17	reviewed 49:21 50:4	screen 15:22 61:3,23 62:6 64:13 66:20	someone 23:7	
regarding 56:18	Riddle 61:5,22 64:12	scroll 64:25	something 20:21 31:21 60:5	
regards 21:19	right 6:22 7:6,12 28:6 29:4 31:25 33:8 39:18 49:7,15 50:13 58:15 60:20	second 21:5 49:11 57:5	somewhere 24:5	
regular 43:15	Rock 12:17,20 13:9,18	seconds 28:11	sorry 9:25 28:7 31:20,25 57:22 63:3	
relation 11:7 52:8	role 54:7	see 15:24 18:7 22:7 29:12 33:10, 24 40:7,20 41:22, 24 50:14 55:13 62:15 65:3,18,23 66:21	sort 28:23	
relationship 10:20 12:20 13:5,6	roll 27:21 50:5	seems 27:5 50:2	sounds 51:23 64:10	
relatively 10:22	routinely 60:14, 17 61:11,15	seen 15:19 29:17	speak 6:20 30:15 58:23 59:3	
rely 21:21	row 26:22 49:21	selected 55:21	speaking 8:2 28:10	
removed 55:8,10	rules 6:12	sells 43:19	specific 32:20 35:24 38:20 43:11 49:14 54:17	
reorganized 27:15	S	send 5:19,20	specifically 54:16 59:22 60:15 65:16	
repeat 9:25	S-K-U 42:20	senior 8:16 9:10 10:24	specifics 63:8	
rephrase 58:6 60:13	said 24:21 54:6 55:2	sent 54:19	spent 64:7	
reporter 6:14,21 7:4 16:8,13 18:5 29:11 33:15 40:6 41:21 62:5 64:24	sale 36:24	service 11:24	Sperber 5:7,14, 18,22 6:2 12:2 21:3 24:22,24 28:13,15 33:17 40:13 51:17,23 56:12 57:22 60:3, 20 66:15,18 67:9	
reporting 68:15	sales 26:12 27:12, 24 37:5 49:9	services 8:22 12:6	spoken 14:18,21, 24 15:4 68:6	
represent 51:14 63:23 64:15	same 7:15,20 10:22 15:7 26:16 27:6,14,21 36:11 38:24 39:11 40:10 41:6,13 49:2,7	set 22:13	spread 31:16	
request 60:18				
requested 18:4 37:25 53:21 59:11 63:9				
Resource 10:13,				

82Index: spreadsheet-usually

spreadsheet	49:17,20 50:3,11	text	63:15 67:22	think	5:16 20:5 24:19 45:3 60:21	40:25 49:23 59:17
	SUOM_QTY		Thank	28:14,16 51:25 66:13	thinking	7:25
	36:22 38:24				third	8:21 22:14, 17 35:11
	suppliers	13:18	that's	5:23 11:14 21:3 24:4,12,13 27:3 29:3 35:4 36:9 38:20,24 39:16 40:18 43:10 47:4,20,25 62:8	third-party	6:5 11:10,12 12:5 43:12 44:13,15 45:8
	supply	8:17 43:16,17			those	10:20 12:13 13:24 14:13 15:4, 18 18:10 20:13 27:13 54:22 58:24 60:21 63:6,18 65:23 66:3 68:22
	sure	20:4 28:13 40:11 51:23 62:24 68:15			three	19:24 25:23 41:25
	Swearingin	31:18			through	11:4 34:23 38:12 46:24 65:2
	sworn	5:3			time	9:8,11,13 37:16 38:7 39:8 44:2,3 53:7 62:14
	synthetic	55:3 63:15 67:22			title	9:7 34:19
	system	17:6 18:11 21:22 22:4, 11,19,20 25:9,12, 14,15 26:17 39:9 42:14 43:3,11 44:12 47:3,14 48:13			today	7:15,19 8:2
	T					
	tab	49:20 50:3			today's	30:14 58:22 59:5
	table	16:24 27:19 28:2,5 49:19			together	30:2 31:6
	tabs	42:2			told	25:14 30:19 68:23
	take	7:5 21:9 30:3 51:18			top	49:19
	taken	28:19 32:12 52:3 64:16			total	17:11,19 50:12,13,23 56:19 64:9
	taking	6:15			totals	27:25
	talking	46:12			trace	32:19
	Tampa	45:18,20			track	39:20
	team	8:20 11:9,17 12:9 15:4,14 22:16 23:10 30:22			transcript	5:19 6:21
	teams	11:20 12:4 56:25 57:2			truck	22:8
	tell	7:10 18:18 32:10 34:16 36:4 45:4 50:18 56:13 65:15			trucks	39:22
	testified	5:5 68:2			truthfully	8:2
	testimony	7:19 62:9 67:6,11,12			turn	42:17
	things	21:19 28:4, 21			two	10:20 13:6 27:2 33:21 34:11

83Index: various-Yup

V	we're 6:12 34:25 46:12 we've 23:14 welcome 56:7 well 6:5 11:20 went 31:3 55:7 were 7:16,21 9:4, 12 20:12 29:20 30:11 31:10,20 32:6,12 35:11 53:12 54:6,23 56:2 57:4,18 58:11 61:10,19 62:8,11, 21 63:4,6,8,18 64:16,21 66:4 67:2 68:3,18 WERKS 23:25 what 5:11,18 7:4 8:14,18 11:5,6,12 12:3,19 13:8,15 17:2 18:8,15,18,22 19:12 20:9 23:16, 24 24:7,8,18 25:18 26:2,10,21 27:3,11 28:2 29:5,24 30:19 31:15 32:24 33:4,9 34:2,10,23 35:2,23 36:4,8,14,18 37:3, 13 39:4,14 40:2 41:16 42:5,7,12,24 43:9,14 44:9 45:6, 11,23 46:2,6,25 47:11,25 48:10 49:10,18 53:15 54:2,7,10,15,23 56:13 63:8 67:16, 17 68:10,16,22 what's 27:20 42:15 whatever 22:23 46:15 when 11:12 13:14 19:11 21:14 22:13 23:11 24:3 25:6,13 26:2 34:3,12,15, 17,20 37:16 38:7 39:21 42:11 43:17 44:4 45:10 46:12 47:17 50:11 51:8 52:6 54:2 57:19 58:4 59:11 61:12, 15,17	where 11:14 13:24 19:4,10 20:14 22:21 25:5 31:2,14 33:24 35:19 38:14,21 39:20 43:22 44:2 47:21,22 48:2 50:14 57:18 whereupon 16:10 18:2,4 28:18 29:7 33:12 40:3,15 41:18 52:2 62:2 63:12 64:21 which 9:21 25:14 30:5 32:11 35:24 36:14,22 37:14 40:19 41:23 45:3 48:6 49:17 56:25 while 68:17 white 65:20,23 who 21:17 22:23 23:7 30:16 31:16 32:5 44:16 57:5 58:24 68:3,7 who's 6:15 whole 45:16 57:8 65:3 width 25:24 Winners 6:4 13:21 14:18 65:23 with 8:4 10:6,12, 25 11:4 14:12,18, 21,25 15:4,7,18, 21,23 16:14 25:18 28:11 30:15,22 31:7 34:21 42:18 49:2 52:8,17 54:11,13,20 58:23 59:3 60:4 61:6 68:6,15 Withdrawn 24:25 within 11:16 17:5, 8 18:11,24,25 19:4,16 20:19 22:6 24:11,13,15 27:10 28:3,5 34:9 36:10, 21 47:3,13 48:23 54:18 55:10,17 without 14:6 15:9 witness 5:2 20:23 53:19 56:10 57:24	words 65:22 work 5:22 9:22,23 10:3 14:4 21:23 64:3 working 8:25 9:4 65:9 66:2 works 8:13 27:8 31:3 would 7:16,20,25 12:8 19:10 20:16 21:9 22:10,12,14, 16,20,23,24,25 23:2,3 25:11 31:19 32:4,19 34:16 37:6 38:6,9 44:6 54:25 56:24 59:20 60:10 61:23,24 63:7 66:3,10 wouldn't 59:10 write 7:4 wrong 40:12 45:4 50:18	you're 14:4 21:11 26:6 31:24 56:7,13 59:25 65:6 you've 14:7 your 5:8,11 6:17 7:2,3,5 8:14,18 9:7,12 10:23 11:17 12:19 15:4 17:21 19:4 21:20 30:10 31:8 36:16 54:7 60:11 62:9 65:9 66:2 67:12 yourself 68:4 Yup 6:23
W	want 18:7 23:13 28:20 34:22 37:18 38:11 42:4 51:19 54:20 56:5 61:13 66:15 67:9 wanted 54:10,18 warehouse 21:20,21 22:4,11, 16,18,19 24:4,11, 14,16 25:12 26:15, 16 27:8 28:23 30:3,6 32:21 36:10 38:4,5,13,21 42:17 43:22 47:21 54:5, 11 56:23 65:8 warehouses 18:25 19:3,4 35:5 37:20 53:3 58:20 64:17 65:17 68:14 way 27:16 32:2,10 34:16 we'll 64:20	yeah 21:3 28:9 32:2 44:18 45:7 57:23 64:9 year 43:5 47:16 50:6 years 9:2 59:14 Yep 24:24 35:8 49:19 yes 5:16 7:7,13, 17,22 8:7,10,13 10:3,8,11,14,17 11:14 12:15,18 15:20 16:16 19:9 23:10 25:2 26:18, 22 27:5,17 28:16 29:14,19 30:7,17, 20 32:9,15 33:16 38:9,18 39:2,13 40:22 41:11,14 42:3 48:8 50:16 53:4,11,14,21 57:13 60:5 61:17 62:12,16,20 63:25 64:10 66:23 York 5:4 6:4 14:19 38:6		